FEDERAL REGISTER

VOLUME 18 NUMBER 2

Washington, Saturday, January 3, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10421

PROVIDING FOR THE PHYSICAL SECURITY OF FACILITIES IMPORTANT TO THE NATIONAL DEFENSE

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. As used in the following sections of this order:

(a) The word "facilities" means those Government-owned and privately-owned plants, mines, facilities (including buildings occupied in whole or in part by any Federal agency) materials, products, and processes, and those Government-provided and privately-provided services, which are of importance to defense mobilization, defense production, or the essential civilian economy and are located or provided in the continental United States or in the Territories or possessions of the United States: *Provided,* That the Chairman of the National Security Resources Board may, upon proper notice to affected Federal agencies, from time to time amend the foregoing definition of "facilities," with respect to any or all parts of this order, as he shall deem to be compatible with the purposes of this order.

(b) The term "physical security" means security against sabotage, espionage, and other hostile activity and other destructive acts and omissions, but excludes security attributable to operations of military defense or combat and excludes also activities with respect to the dispersal and post-attack rehabilitation of facilities.

(c) The word "Chairman" means the Chairman of the National Security Resources Board.

SEC. 2. With a view toward the maintenance of essential production and the security of the United States, to the extent permitted by law, and subject to the provisions of this order, Federal agencies shall develop and execute programs and measures for the physical security of facilities within the cognizance of such agencies, respectively.

SEC. 3. (a) In addition to carrying out the functions conferred upon him by law, the Chairman shall supervise and bring into harmonious action the programs and measures referred to in section 2 of this order.

(b) More particularly, the Chairman shall from time to time:

(1) Prescribe policies and programs governing the activities of Federal agencies with respect to the physical security of facilities, including the activities involved in carrying out section 4 (a) hereof (respecting security ratings)

(2) With the advice and assistance of appropriate Federal agencies, develop and promulgate standards of physical security to be applicable to facilities, which standards shall as far as practicable accommodate differences in degrees and types of physical security required, different categories of facilities, different security ratings, and such other considerations as may be pertinent.

(3) Assign facilities to Federal agencies, insofar as deemed practicable by the Chairman on the basis of the interests and general cognizance of agencies, for the performance by such agencies of the following functions, subject to the direction of the Chairman: (A) the furnishing of advice to the management or owner of a facility with respect to developing and administering the physical security program thereof; (B) in consultation with the management or owner of a facility and with other technically qualified persons, the development of physical security measures for such facility and, when necessary, the authorization of standards of physical security therefor which differ from the standards prescribed under section 3 (b) (2) hereof; (C) such supervision as may be appropriate of the application of physical security measures to assigned facilities; (D) the furthering, by other measures designated by the Chairman, of the physical security of assigned facilities; and (E) the appraisal of the adequacy and efficiency of the physical security measures taken.

(4) Approve or revise security ratings established under section 4 (a) hereof and transmit the security ratings so approved or revised to agencies assigned

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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facilities under section 3 (b) (3) hereof. The Chairman may make any approved or revised security rating available to Federal agencies other than the agency to which a facility concerned is assigned, for such uses related to the maintenance of production or the national security as the Chairman may approve.

(5) Review the physical security programs and measures of Federal agencies as to effectiveness and as to conformity with the policies and directives of the Chairman under this order.

(6) Obtain from Federal agencies reports, recommendations, and information deemed by the Chairman to be essential to the discharge of his responsibilities under this order.

(7) Consult with Federal agencies having responsibilities related to functions set forth in this order, for the purpose of furthering coordination of policies and activities; and develop, and report to the President concerning, programs which properly relate the physical security of facilities and other measures designed to maintain and restore essential productive capability.

(8) Make available, or cause to be made available, to Federal agencies such of the information developed in connection with carrying out section 4 (a) hereof as the Chairman deems to be needed by those agencies in connection with the physical security of facilities or other aspects of the maintenance of production.

(9) Keep the President informed as may be necessary concerning the matters encompassed by this order and furnish him such recommendations as may be appropriate.

(10) Consistent with law, establish such advisory bodies as the Chairman may deem necessary to assist him in carrying out his functions under this order.

SEC. 4. (a) The Secretary of Commerce shall from time to time establish and transmit to the Chairman security ratings of facilities, based on the relative importance thereof to defense mobilization, defense production, and essential civilian economy.

(b) In carrying out section 4 (a) hereof, the Secretary of Commerce shall consult with Federal agencies as may be appropriate.

(c) To the extent necessary for the performance of functions under section 4 (a) hereof, Federal agencies which have, or can best obtain, data on plant locations, plant capacities, production, service industries, technical processes, and production requirements, and other similar information shall make available to the Secretary of Commerce such data and information. In the event of any disagreement with respect to making data or information available under this section 4 (c) the Chairman shall resolve such disagreement and the decision of the Chairman shall be final.

(d) The Industry Evaluation Board is continued and shall, to such extent and in such manner as the Secretary of Commerce may direct, assist the Secretary in carrying out the functions of the Secretary under section 4 (a) hereof. The Secretary, with the approval of the Chairman, may from time to time alter the composition of the said Board. There is hereby terminated the now-existing Presidentially approved assignment of functions to the said Board.

SEC. 5. Each Federal procurement agency which obtains in connection with its procurement contracts agreements requiring contractors to provide physical security measures for their facilities shall provide in such agency for the review of such agreements. The purpose of such review shall be to assure conformity of the physical security measures

required by the agreements with the standards prescribed under section 3 (b) (2) hereof.

SEC. 6. (a) The Facilities Protection Board is transferred to the jurisdiction of the Chairman. Existing arrangements concerning the physical location of and administrative support for the Board may be continued.

(b) The Facilities Protection Board shall hereafter consist of one representative of each of the following agencies, namely, the Departments of Defense, Commerce, Interior, and Labor, the Atomic Energy Commission, the Federal Civil Defense Administration, and such other agencies as the Chairman may from time to time designate. Each such representative shall be designated by the head of the agency he is to represent. Each person who is now a member of the Board may continue as a member without the necessity of redesignation by reason of this order. The Chairman of the National Security Resources Board shall from time to time designate from among the members of the Board a Chairman of the Facilities Protection Board.

(c) The Board shall assist and advise the Chairman in carrying out the functions vested in him by this order. There is hereby terminated the now-existing Presidentially approved assignment of functions to the Board.

SEC. 7. (a) The programs and measures provided for in this order with respect to the physical security of facilities shall be supplementary to, and not in substitution for, similar or related activities carried on by state and local authorities and by private enterprise. This order shall not be deemed to place in the Federal Government the primary responsibility for the physical security of privately-owned facilities or of facilities owned by any state, any political subdivision of any state, or any intergovernmental body.

(b) This order shall not be deemed to govern activities with respect to the post-attack immediately essential emergency repair or restoration of damaged vital facilities (64 Stat. 1247; 50 U. S. C. App. 2252 (b)) except that the Federal Civil Defense Administration and the Chairman shall effect appropriate coordination of the said activities and functions carried out under this order.

(c) This order shall not extend to any facility of or under the cognizance of the Atomic Energy Commission, except those parts of any such facility which are not the responsibility of the said Commission.

(d) This order shall not extend to Federally-owned military posts, camps, stations, arsenals, or other comparable facilities under military command. The Chairman may exclude partly or wholly from the operation of this order any other facility under the cognizance of the Department of Defense, except that the Department shall advise and consult with the Chairman concerning the physical security of any facility so excluded. The provisions of this order shall not be deemed to apply to military defense or combat, except that the Chairman and the Secretary of Defense shall effect appropriate coordination of the functions carried out under this order and of operations of military defense or combat affecting facilities.

(e) Nothing in this order shall be deemed to confer on any Federal agency investigative functions exercised by any Federal agency represented in the Interdepartmental Intelligence Conference or to alter or modify any function of the said Conference.

(f) Nothing in this order shall be deemed to affect the responsibilities now assigned to the Interdepartmental Committee on Internal Security, except that there shall be governed by this order, (A) the Facilities Protection Board and the Industry Evaluation Board and their functions and supervision, (B) the prescription of standards of physical security of facilities, (C) the making of security ratings respecting facilities, and (D) the assignment of facilities to Federal agencies for the performance by them of physical security functions and the conduct by the said agencies of physical security functions respecting facilities assigned to them, respectively.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 31, 1952.

[F. R. Doc. 52-13812; Filed, Dec. 31, 1952; 2:29 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

APPLICABILITY OF REGULATIONS

1. The authority for the issuance of Part 22 is changed to read as follows:

AUTHORITY: §§ 22.1 to 22.11 issued under secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868. Interpret or apply sec. 14, 58 Stat. 390, as amended by 61 Stat. 723; 5 U. S. C. and Sup. I 863. Other statutory provisions interpreted or applied are cited to text in parentheses.

2. Section 22.1 (a) (2) is amended as follows:

§ 22.1 *Applicability of regulations*—(a) *Coverage.* * * *

(2) *Preference eligible employees.* (i) The term "preference eligible employees" refers to those persons specified in section 2 of the Veterans' Preference Act of 1944, as amended.

(ii) Separation under "honorable conditions" as used in section 2 of the act means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation, or issuance of a discharge, if such discharge was under honorable conditions.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director

[F. R. Doc. 53-11; Filed, Jan. 2, 1953; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MISSOURI, NEW YORK, AND TEXAS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

MISSOURI

County	Average value	Investment limit
Adair	$14,000	$12,000
Andrew	19,000	12,000
Atchison	19,000	12,000
Audrain	14,500	12,000
Barry	12,500	12,000
Barton	14,000	12,000
Bates	14,500	12,000
Benton	12,500	12,000
Bollinger	12,500	12,000
Boone	14,000	12,000
Buchanan	19,000	12,000
Butler	13,000	12,000
Caldwell	15,000	12,000
Callaway	14,000	12,000
Camden	12,500	12,000
Cape Girardeau	14,000	12,000
Carroll	16,500	12,000
Carter	12,500	12,000
Cass	17,000	12,000
Cedar	12,500	12,000
Charlton	15,000	12,000
Christian	12,500	12,000
Clark	14,500	12,000
Clay	19,000	12,000
Clinton	17,500	12,000
Cole	12,500	12,000
Cooper	14,000	12,000
Crawford	12,500	12,000
Dade	12,500	12,000
Dallas	12,500	12,000
Daviess	14,500	12,000
DeKalb	15,000	12,000
Dent	12,500	12,000
Douglas	12,500	12,000
Dunklin	18,500	12,000
Franklin	14,000	12,000

MISSOURI—Continued

County	Average value	Investment limit
Gasconade	$12,500	$12,000
Gentry	15,000	12,000
Greene	14,500	12,000
Grundy	14,500	12,000
Harrison	14,500	12,000
Henry	13,500	12,000
Hickory	12,500	12,000
Holt	19,000	12,000
Howard	14,500	12,000
Howell	12,500	12,000
Iron	12,500	12,000
Jackson	17,500	12,000
Jasper	14,000	12,000
Jefferson	13,000	12,000
Johnson	15,000	12,000
Knox	14,000	12,000
Laclede	12,500	12,000
Lafayette	17,500	12,000
Lawrence	14,000	12,000
Lewis	14,000	12,000
Lincoln	15,000	12,000
Linn	14,500	12,000
Livingston	15,000	12,000
McDonald	12,500	12,000
Macon	14,000	12,000
Madison	12,500	12,000
Maries	12,500	12,000
Marion	15,000	12,000
Mercer	14,000	12,000
Miller	12,500	12,000
Mississippi	19,000	12,000
Moniteau	12,500	12,000
Monroe	14,000	12,000
Montgomery	14,000	12,000
Morgan	12,500	12,000
New Madrid	19,000	12,000
Newton	12,500	12,000
Nodaway	19,000	12,000
Oregon	12,500	12,000
Osage	12,500	12,000
Ozark	12,500	12,000
Pemiscot	19,000	12,000
Perry	14,000	12,000
Pettis	14,000	12,000
Phelps	12,500	12,000
Pike	14,500	12,000
Platte	19,000	12,000
Polk	13,500	12,000
Pulaski	12,500	12,000
Putnam	14,000	12,000
Ralls	14,000	12,000
Randolph	14,000	12,000
Ray	16,500	12,000
Reynolds	12,500	12,000
Ripley	12,500	12,000
St. Charles	17,500	12,000
St. Clair	12,500	12,000
St. Francois	12,500	12,000
Ste. Genevieve	12,500	12,000
St. Louis	17,500	12,000
Saline	17,500	12,000
Schuyler	14,000	12,000
Scotland	14,000	12,000
Scott	16,500	12,000
Shannon	12,500	12,000
Shelby	14,000	12,000
Stoddard	16,500	12,000
Stone	12,500	12,000
Sullivan	13,500	12,000
Taney	12,500	12,000
Texas	12,500	12,000
Vernon	13,000	12,000
Warren	14,000	12,000
Washington	12,500	12,000
Wayne	12,500	12,000
Webster	12,500	12,000
Worth	15,000	12,000
Wright	12,500	12,000

NEW YORK

St. Lawrence	$9,500	$9,500
Saratoga	11,000	11,000
Washington	11,000	11,000

TEXAS

Bexar	$25,000	$12,000
Crosby	25,000	12,000
Fayette	15,000	12,000
Floyd	25,000	12,000
Gonzales	15,000	12,000
Lamb	25,000	12,000
Lavaca	16,000	12,000
Matagorda	20,000	12,000
Nueces	25,000	12,000
San Patricio	25,000	12,000
Wise	22,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 30th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 53-12; Filed, Jan. 2, 1953; 8:48 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; TEXAS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of Texas.

TEXAS

County	Average value	Investment limit
Andrews	$25,000	$12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 30th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 53-13; Filed, Jan. 2, 1953; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 8]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 for the purpose of prorating an additional deficit which is hereby determined in the quota for the Domestic Beet Area for sugar to be marketed in the continental United States in 1952. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Domestic Beet Area, the quotas for other domestic areas and Cuba are required to be revised by prorating to such areas an amount of sugar equal to any deficit so determined on the basis of their existing quotas.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit to areas able to supply the additional sugar a mere mathematical computation. Hawaii is excluded from the proration because of deficits that have already been declared in its quota. The mainland cane area and the Virgin Islands are not expected to be able now to utilize additional quota in 1952 and are therefore not included in the proration of the 40,000 ton additional deficit prorated by this action although these areas did participate in the proration of the initial Domestic Beet Sugar deficit of 200,000 tons.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the aditional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed with the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup., 1100) and the Administrative Procedure Act (60 Stat. 237) paragraphs (c) and (d) of Sugar Regulation 813, as amended (16 F. R. 13032, 17 F. R. 5691, 6758, 8449, 9617, 10498, 10801) are hereby amended to read as follows:

§ 813.33 *Determination and proration of area deficits.* * * *

(c) *Deficit in quota for the Domestic Beet Sugar Area.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1952 the Domestic Beet Sugar Area will be unable by an amount of 240,000 short tons of sugar, raw value, to market the quota established for that area in § 813.32.

(d) *Proration of deficit in quota for the Domestic Beet Sugar Area.* An amount of sugar equal to the deficit determined in paragraph (c) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quota in terms of short tons raw value*
Mainland cane sugar	24,810
Puerto Rico	54,964
Virgin Islands	293
Cuba	159,923

STATEMENT OF BASES AND CONSIDERATIONS

Late data on marketings of beet sugar in 1952 indicate that the total is not

likely to exceed 1,560,000 short tons, raw value. This amounts to an additional quota deficit for this area of 40,000 tons, which is prorated to Puerto Rico and Cuba by this action.

Exclusion of other domestic areas from the proration of deficit. The Mainland Cane Area, Hawaii and the Virgin Islands are not expected to be able to utilize additional 1952 quota and are excluded from the proration of the additional 40,000 tons of Domestic Beet Sugar Area deficit.

(Sec. 204, 61 Stat. 925; 7 U. S. C. Sup. 1114)

Done at Washington, D. C., this 31st day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F BRANNAN, *Secretary.*

[F. R. Doc. 52-13815; Filed, Dec. 31, 1952; 3:41 p. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 26[1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 376—PERIODIC REQUIREMENTS LICENSE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 372.2 *Applications for licenses* is amended in the following particulars:

The note following paragraph (f) *Second applications* is amended to read as follows:

NOTE: When an application has been returned without action to the applicant and is being resubmitted, a new application should ordinarily not be filled out. However, a new application should be submitted where the necessary alterations on the old application would be too difficult to make or would be illegible, or where the old application is on a form other than Form IT-419 (Revised April 1952). In those instances where a new application is submitted, the original OIT case number should be typed or written in ink in item 4 on the new application Form IT-419 (Revised April 1952). When a new application is submitted, the original application must be attached to the new application.

When an export license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the later date for the submission of a new application.

[1] This amendment was published in Current Export Bulletin No. 688, dated December 24, 1952, and in the reprint pages, dated December 24, 1952.

This part of the amendment shall become effective as of January 2, 1953.

2. Section 372.3 *How to file an application for export license* is amended in the following particulars:

a. The first unnumbered subparagraph of paragraph (c) *Information required* is amended to read as follows:

The following general provisions shall govern all applications for export licenses submitted on Form IT-419 (Revised April 1952), Application For Export License:

b. The first unnumbered paragraph of Note 1 following paragraph (c) *Information required* is amended to read as follows:

NOTE: 1. *Application forms.* Applications for validated licenses must be submitted on Form IT-419 (Revised April 1952), Application for Export License, accompanied by Form IT-116 (Revised October 1951), Acknowledgment Card. An application is incomplete and will be returned to the applicant unless accompanied by the acknowledgment card.

c. Note 2 *Preparation of Form IT-419 (Revised August 1949 and August 1950)* and Note 3 *Preparation of Form IT-419 (Revised September 10, 1951)* following paragraph (c) *Information required* are deleted.

d. Note 4 *Preparation of Form IT-419 (Revised April 1952)* is renumbered Note 2 and is amended by deleting the parenthetical reference beginning "See Notes 2 and 3 * * *" at the end of the first unnumbered paragraph.

e. Note 5 *Preparation of Form IT-116* is renumbered Note 3 and is amended by changing the first sentence of the second unnumbered paragraph to read as follows:

This card must be made out in the name of the applicant, as shown in item 5 of Form IT-419 (revised).

f. Note 6 *Assembly and submission of applications* and Note 7 *Inquiries and correspondence* are renumbered respectively Notes 4 and 5.

g. Note 8 *Clearance by teletype* is renumbered and amended to read as follows:

6. *Emergency clearance.* In case of emergency, the Office of International Trade will, upon approving an application for export license, authorize clearance by telephone, telegraph, or other special communication to the appropriate collector of customs. In such cases, the license is not sent to the licensee, but to the collector of customs with whom the clearance has been authorized by OIT.

This part of the amendment shall become effective as of January 2, 1953, except that Note 8, as above amended, shall become effective as of December 24, 1952.

3. Section 373.1 *Export licensing general policy,* paragraph (b) *Accepted orders: Evidence and certification* is amended in the following particulars:

Subdivision (i) of subparagraph (3) *Certification as to accepted order* is amended to read as follows:

(i) With respect to license applications covering diffusion pump oils (Schedule B No. 829980) and all the commodities listed in paragraph (h) of this section, signature on the application by the applicant, his officer or duly authorized agent, constitutes a certification that the applicant holds an accepted order for one or more of these commodities covered in the application.

This part of the amendment shall become effective as of January 2, 1953.

4. Section 373.11 *Special provisions for ferrous or nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

The Schedule B Nos. mentioned in paragraph (a) *Containing lead, molybdenum, and vanadium* are amended to read as follows: "* * *, and classified under Schedule B Nos. 650406, 664550, 664586, 664587, and 664588, respectively, * * *"

This part of the amendment shall become effective as of December 24, 1952.

5. Section 373.16 *Special provisions for certain commodities: Evidence of availability* is amended in the following particulars:

a. The parenthetical reference at the end of paragraph (b) *Nature of evidence of availability required from producers* is amended to read as follows: "(See Note 2 following § 372.3 (c) of this subchapter with respect to item 13 of Form IT-419.)

b. In paragraph (c) *Nature of evidence of availability required from nonproducers,* subparagraphs (1) and (2) the reference to "Item 11 of Form IT-419" is amended to read: "Item 13 of Form IT-419"

This part of the amendment shall become effective as of January 2, 1953.

6. Section 373.24 *Statement of past participation in exports for certain commodities,* paragraph (b) *Commodities requiring statement of past participation* is amended in the following particulars:

The headnote of subparagraph (6) *Cobalt-chromium dental alloys and dental alloys and amalgams containing cobalt, Schedule B Nos. 664529 and 915590* is amended to read as follows: "(6) *Cobalt dental alloys, Schedule B No. 664526 (formerly 664529 and 915590)* "

This part of the amendment shall become effective as of December 17, 1952.

7. Section 373.29 *Special provisions for certain totally allocated commodities* is amended in the following particulars:

The following commodity entry is deleted from the table set forth in paragraph (a) *Commodities included.*

Commodity	Relevant NPA order	Required NPAF form
Tungsten, except pure....	M-80	114

This part of the amendment shall become effective as of December 24, 1952.

8. Section 376.51 *Supplement 1. Commodities subject to periodic requirements license* is amended by adding thereto the following commodities:

Dept. of Commerce Schedule B No.	Commodity
730810	Parts, n. e. c., specially fabricated for underground loading machines.
769100	Alloy steel ball bearings, and specially fabricated parts except balls (see § 373.7 of this subchapter).
769100	Carbon steel ball bearings, and specially fabricated parts except balls (see § 373.7 of this subchapter).
769200	Alloy steel roller bearings, and specially fabricated parts except rollers (see § 373.7 of this subchapter).
769200	Carbon steel roller bearings, and specially fabricated parts except rollers (see § 373.7 of this subchapter).
769310	Alloy steel balls for bearings (see § 373.7 of this subchapter).
769310	Carbon steel balls for bearings (see § 373.7 of this subchapter).
769315	Alloy steel rollers for bearings (see § 373.7 of this subchapter).
769315	Carbon steel rollers for bearings (see § 373.7 of this subchapter).

This part of the amendment shall become effective as of December 24, 1952.

9. Section 380.2 *Amendments or alterations of licenses*, paragraph (c) *Procedure for submitting requests for amendments* is amended in the following particulars:

a. Subparagraph (4) *Telegraphic requests* is amended to read as follows:

(4) *Telegraphic requests.* Under emergency conditions, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be forwarded to the collector of customs by special communication. In such instances, the telegram must include the same information required to complete Form IT–763, and, in addition, full information as to the necessity for such type of service, including deadline dates. If the request is submitted by mail on Form IT–763, but emergency clearance is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, must accompany the request.

b. The last sentence of the first paragraph of Note 1 *Licenses held by collectors* following subparagraph (4) *Telegraphic requests* is amended to read as follows: "Upon request, and where warranted, advice of an amendment action will be dispatched by collect wire to the applicant and (in the case of approved requests) by special communication to the collector of customs; copies of Form IT–763 then will be mailed in the usual manner and serve as confirmation of wire advices."

This part of the amendment shall become effective as of December 24, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53–38; Filed, Jan. 2, 1953; 8:58 a. m.]

[6th Gen. Rev. of Export Regs. Amdt. P. L. 23 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

CARBON STEEL PRODUCTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following are changed from R to RO commodities:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
769100	Carbon steel ball bearings, and specially fabricated parts except balls (see § 373.7 of this subchapter).[1]	-------	GIEQ 3---	25	RO	A
769200	Carbon steel roller bearings, and specially fabricated parts except rollers (see § 373.7 of this subchapter).[1]	-------	GIEQ 3---	25	RO	A
769310	Carbon steel balls for bearings (see § 373.7 of this subchapter).[1]	-------	GIEQ 3---	25	RO	A
769315	Carbon steel rollers for bearings (see § 373.7 of this subchapter).[1]	-------	GIEQ 3---	25	RO	A

[1] The commodities included in this Positive List entry are added to the commodities subject to the IC/DV procedure (see § 373.34 of this subchapter), effective Feb. 7, 1953, as indicated in the column headed "Commodity Lists."

This amendment shall become effective as of 12:01 a. m., December 31, 1952.

Shipments of any commodities removed from general license to Country Group O destinations as a result of changes set forth in this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., December 31, 1952, may be exported under the previous general license provisions up to and including January 23, 1953. Any such shipment not laden aboard the exporting carrier on or before January 23, 1953, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53–37; Filed, Jan. 2, 1953; 8:57 a. m.]

[1] This amendment was published in Current Export Bulletin No. 688, dated December 24, 1952.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 119]

PART 324—EXCISE TAX ON DIESEL FUEL

On August 1, 1952, notice of proposed rule making regarding regulations relating to the tax on diesel fuel under chapter 20 of the Internal Revenue Code, as added by section 441 (a) of the Revenue Act of 1951 (82d Congress) approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 7055). After consideration of all relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

SUBPART A—INTRODUCTORY PROVISIONS

Sec.
324.0 Scope of regulations

SUBPART B—DEFINITIONS

324.10 Meaning of terms.

SUBPART C—TAX ON DIESEL FUEL

324.20 Effective period.
324.21 Application of the tax on sale of taxable liquid.
324.22 Application of the tax on use of taxable liquid.
324.23 Rate of tax.

SUBPART D—GENERAL EXEMPTIONS

324.30 Sales to States or political subdivisions thereof.
324.31 Sales for export.
324.32 Proof of exportation.
324.33 Shipments to possessions of the United States.

SUBPART E—ADMINISTRATIVE PROVISIONS

324.40 Returns.
324.41 Payment of taxes.
324.42 Records.
324.43 Jeopardy assessments.
324.44 Nontaxable use or sale by vendee.
324.45 Credit or refund generally.
324.46 Penalties and interest.
324.47 Promulgation of regulations.

AUTHORITY: §§ 324.0 to 324.47 issued under 53 Stat. 467, 65 Stat. 452; 26 U. S. C. 3791, 2455.

SUBPART A—INTRODUCTORY PROVISIONS

§ 324.0 *Scope of regulations.* (a) Sections 324.0 to 324.47, inclusive, apply to the excise tax imposed by chapter 20 of the Internal Revenue Code, relating to diesel fuel. These sections deal with the determination of tax liability, the computation of the tax, the manner of its application, the collection and return of tax, the imposition of penalties, credits and refunds, tax-free sales, and related matters.

(b) The statutory references are to the Internal Revenue Code, unless otherwise stated.

SUBPART B—GENERAL PROVISIONS

SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual,

a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization. * * *

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

* * * * *

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

SUBPART B—DEFINITIONS

§ 324.10 *Meaning of terms.* (a) As used in this part the terms defined in the applicable provisions of law shall have the meanings so assigned to them.

(b) The term "sale" includes any agreement whereby the seller transfers the property (that is, the title or the substantial incidents of ownership) in goods to the buyer for a consideration called the price, which may consist of money services, or other things.

(c) The term "diesel-powered highway vehicle" has reference to the type of vehicle and not to the use which is made of the vehicle. The term includes any vehicle powered or propelled by a diesel motor or engine and of the type which is capable of general use upon public highways, such as automobile trucks, busses, highway tractors, etc. The term does not, however, include equipment designed primarily for off-highway use, such as road graders, bulldozers, power shovels, earth movers, farm tractors, etc.

(d) The term "taxable liquid" includes any liquid which is sold or used as a fuel in a diesel-powered highway vehicle but does not include a product taxable under the provisions of section 3412 of the Code, relating to the tax on gasoline.

(e) The term "Territory of the United States" means the territories of Alaska and Hawaii.

SUBPART C—TAX ON DIESEL FUEL

SEC. 2450. TAX ON DIESEL FUEL (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

There is hereby imposed a tax of 2 cents a gallon upon any liquid (other than any product taxable under section 3412)—

(1) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or

(2) Used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under clause (1).

On and after April 1, 1954, the tax imposed by this section shall be 1½ cents a gallon in lieu of 2 cents a gallon.

SEC. 441 (b) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951

(b) *Effective date.* The amendment made by subsection (a) shall take effect on the first day of the first month which begins more than ten days after the date of the enactment of this act.

§ 324.20 *Effective period.* The tax imposed by section 2450 is effective with respect to the sale or use of any taxable liquid as a fuel in a diesel-powered highway vehicle on and after November 1, 1951.

§ 324.21 *Application of the tax on sale of taxable liquid.* (a) The tax imposed by clause (1) of section 2450 of the Code applies to the sale of any taxable liquid to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such a vehicle. It is immaterial whether the vehicle is actually employed in highway or off-highway use.

Example. The M Corporation is engaged in the construction of a power dam at a site removed from all public highways. Part of its construction equipment consists of diesel-powered shovels, bulldozers, and highway type dump trucks. The diesel fuel used in the highway type dump trucks is subject to tax even though such trucks are operated entirely within the bounds of the construction project. No tax is payable with respect to the diesel fuel used in the power shovels and bulldozers since none of this equipment is a vehicle which may be operated in general use over a public highway.

(b) For purposes of the tax, the sale of a taxable liquid to an owner, lessee, or other operator of a diesel-powered highway vehicle shall be considered a taxable sale of such liquid (1) where the liquid is delivered by the vendor into the fuel supply tank of the vehicle, or (2) where not so delivered, the vendee indicates in writing to the vendor prior to or at the time of the sale that the entire quantity of the liquid covered by the sale is for use by him as a fuel in a diesel-powered highway vehicle. If such a written statement is not furnished by the vendee, he shall be liable for the tax on that quantity of the liquid which is used by him as fuel in a diesel-powered highway vehicle (see § 324.22) or which is sold by him in a taxable transaction. For provisions relating to credit or refund where any liquid purchased tax paid is used by the vendee otherwise than as a fuel in a diesel-powered highway vehicle, see § 324.44.

(c) A sale to a dealer for resale is not subject to tax even though it is known at the time of the sale that the liquid will be resold by such dealer for use as a fuel in a diesel-powered highway vehicle.

(d) The tax is payable by the person who makes the taxable sale. Where a taxable liquid is consigned to a person for sale and the consignor retains ownership in such liquid until it is disposed of by the consignee, the consignor is the person liable for the tax when a taxable sale of the liquid is made by the consignee. In the event the consignor does not retain ownership in the taxable liquid, the consignee is the person liable for the tax upon the taxable sale of such liquid.

(e) In the case of a taxable sale on credit, the tax applies whether or not the purchase price of the liquid is actually collected from the vendee.

§ 324.22 *Application of the tax on use of taxable liquid.* (a) If a person acquires a taxable liquid by any means other than through a transaction subject to tax under clause (1) of section 2450 and uses it as a fuel in a diesel-powered highway vehicle, he shall be liable for tax under clause (2) of section 2450 on the quantity of such liquid so used. The tax is applicable regardless of whether the vehicle is actually employed in highway or off-highway use.

(b) The quantity of such taxable liquid placed by the taxpayer-user in the fuel supply tank of a diesel-powered highway vehicle shall be presumed to be used as a fuel in such vehicle, and therefore subject to tax, unless the taxpayer establishes by competent evidence that a portion of the quantity placed in such fuel supply tank was used otherwise than as a fuel in such vehicle. If such fact is established the tax shall apply only to the quantity of the taxable liquid actually used as a fuel in a diesel-powered highway vehicle.

§ 324.23 *Rate of tax.* For the period November 1, 1951 through March 31, 1954, the rate of tax is 2 cents a gallon. For the period beginning April 1, 1954, the rate of tax is 1½ cents a gallon.

SUBPART D—GENERAL EXEMPTIONS

SEC. 2453. TAX-FREE SALES AND USES (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Under regulations prescribed by the Secretary, no tax under this chapter shall be imposed with respect to the sale of any liquid for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, or with respect to the use by any of the foregoing of any liquid as fuel in a diesel-powered highway vehicle.

§ 324.30 *Sales to States or political subdivisions thereof, etc.* (a) The tax imposed by section 2450 does not apply in the case of a sale of any taxable liquid by any person to a State, Territory of the United States or any political subdivision thereof, or the District of Columbia, for its exclusive use, or in the case of the use of any taxable liquid by any State, Territory of the United States, or any political subdivision thereof, or the District of Columbia, as a fuel in a diesel-powered highway vehicle.

(b) Any vendor claiming exemption under this section shall be prepared to produce evidence which will establish the right to exemption from the tax imposed by section 2450. Generally, clearly identified orders or contracts of a State, Territory of the United States, or a political subdivision thereof, or the

District of Columbia, when signed by an authorized officer thereof will be accepted in support of the exemption. However, in the absence of such orders or contracts, a statement signed by such an authorized officer that the liquid sold was purchased for the exclusive use of a State, Territory of the United States, or political subdivision thereof, or the District of Columbia, will be acceptable.

EXPORTS, AND SHIPMENTS TO POSSESSIONS OF THE UNITED STATES

SEC. 2454. APPLICABILITY OF ADMINISTRATIVE PROVISIONS (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2705. EXPORTATION.

Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the tax imposed under section 2700 (a) shall not apply in respect of articles sold or leased for export or for shipment to a possession of the United States and in due course so exported or shipped. * * *

§ 3.31 *Sales for export.* (a) Except in the case of a taxable sale where the liquid is delivered into the fuel supply tank of a diesel-powered highway vehicle, the tax imposed by section 2450 does not apply to a sale to an owner, lessee, or other operator of a diesel-powered highway vehicle of any taxable liquid for export. To be exempt from tax on such a sale for export, it is necessary that the vendor establish (1) the liquid was sold by him for export, and (2) that the liquid was exported in due course.

(b) In order to establish exemption from tax in the case of a sale of taxable liquid for export it is necessary that the vendor maintain adequate records that the liquid was sold by him for export and have in his possession documentary evidence showing that such liquid was in fact exported.

§ 324.32 *Proof of exportation.* Exportation may be evidenced by (a) a copy of the export bill of lading issued by the delivering carrier, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the liquid, or (c) a certificate of landing signed by a customs officer of the foreign country to which the article is exported, or (d) a statement of the foreign consignee showing receipt of the liquid.

§ 324.33 *Shipments to possessions of the United States.* (a) The same provisions as relate to sales for export and proof of exportation will apply to sales for shipment to a possession of the United States. (See §§ 324.31 and 324.32.)

(b) The term "possession of the United States" includes the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, and the Midway Islands.

(c) This exemption does not apply with respect to sales of any taxable liquid for shipment to the Territories of Alaska and Hawaii for the reason that these Territories are by definition included in the term "United States" (See § 3797 (a) (9).)

SUBPART E—ADMINISTRATIVE PROVISIONS

SEC. 2451. RETURNS AND PAYMENT (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Requirement.* Every person liable for tax under this chapter shall make returns and pay the taxes due to the collector for the district in which is located his principal place of business, or if he has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such returns shall contain such information and be made at such times and in such manner as the Secretary may by regulations prescribe.

(b) *Interest.* The tax shall, without assessment or notice, be due and payable to the collector at the time prescribed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

SEC. 2454. APPLICABILITY OF ADMINISTRATIVE PROVISIONS (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2711. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this subchapter.

SEC. 2709. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal Revenue personnel—(1) Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) *Persons in charge of exports and drawbacks.* Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as exclusive enumeration of the persons who may administer such oaths or affirmations.

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

* * * * *

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

* * * * *

SEC. 3658. FRACTIONAL PARTS OF A CENT.

In the payment of any tax under this title not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

§ 324.40 *Returns.* (a) Every person liable for the payment of the tax imposed by section 2450 of the Code shall file on or before the last day of each month a return showing the tax due for the preceding month on Form 725 in accordance with the instructions thereon. The return shall be filed with the director of internal revenue for the district in which is located the principal place of business of the person required to make the return. If such person has no principal place of business in the United States, the return shall be filed with the Director of Internal Revenue, Baltimore, Maryland.

(b) When the last day of the month in which a return and payment are due falls on Sunday or a legal holiday, the return may be filed and payment made on the next secular or business day. A return shall be filed with the director for each month whether or not any

liability has been incurred for that month. If a person ceases the operation of a business for which a return must be filed, the last return shall be marked "Final return"

§ 324.41 *Payment of taxes.* All taxes are due and payable to the director of internal revenue, without assessment by the Commissioner or notice from the director, at the time fixed for filing the return. If the tax is not paid when due there shall be added as part of the tax interest at the rate of 6 per cent per annum from the time the tax became due to the actual date of payment or assessment, whichever is prior. For provisions with respect to interest generally, including interest on assessments, see § 324.45.

§ 324.42 *Records.* (a) Every person required to file a return and pay tax on the sale or use of any taxable liquid as a fuel in a diesel-powered highway vehicle, shall keep on file at his principal place of business, or some other convenient or safe location, accurate records and accounts of all taxable transactions. Evidence with respect to sales on which no tax is due, such as sales for export, or shipment to a possession of the United States, or sales to States and Territories of the United States or political subdivisions thereof, must be maintained.

(b) The records shall contain sufficient information to enable the Commissioner to determine whether the correct amount of tax has been paid. Such records shall at all times be open for inspection by internal-revenue officers, and shall be maintained for a period of at least four years from the date the tax became due or, in the case of tax-free sales, for a period of at least four years from the last day of the month following the month in which the sale was made.

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 324.43 *Jeopardy assessment.* (a) Whenever, in the opinion of the director, it becomes necessary to protect the interests of the Government by effecting immediate collection of the tax, the Commissioner can immediately assess the tax, together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the director shall, without delay, issue a notice and demand for payment thereof in full.

(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the director a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the director deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

(c) Upon refusal to pay, or failure to pay or give bond, the director shall proceed immediately to collect by distraint the tax, penalty, and interest, without regard to the 10-day period after notice and demand prescribed in section 3690.

SEC. 2452. CREDITS AND REFUNDS (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Non-taxable use or sale by vendee.* A credit against tax under this chapter, or a refund, may be allowed or made to a person in the amount of tax paid by him under this chapter with respect to his sale of any liquid to a vendee for use as fuel in a diesel-powered highway vehicle, if such person establishes, in accordance with regulations prescribed by the Secretary, that—

(1) The vendee used such liquid otherwise than as fuel in such a vehicle or resold such liquid, and

(2) Such person has repaid or agreed to repay the amount of such tax to such vendee, or has obtained the consent of the vendee to the allowance of the credit or refund.

No interest shall be allowed with respect to any amount of tax credited or refunded under the provisions of this subsection.

(b) *Proof required in case of certain overpayments.* No overpayment of tax under this chapter shall be credited or refunded (otherwise than under subsection (a)) in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has repaid the amount of the tax to the ultimate purchaser of the article, or files with the Secretary written consent of such ultimate purchaser to the allowance of the credit or refund.

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To taxpayers*—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) *Date of allowance.* Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), * * * or (4) of this subsection, * * * where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

* * * * *

SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, and except as otherwise provided by law in the case of employment taxes under subchapters A and D of chapter 9, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes, and other than such employment taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SEC. 3771. INTEREST ON OVERPAYMENTS.

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment of a tax imposed by the Revenue Act of 1921, 42 Stat. 227, or any subsequent Revenue Act, then to the date of the assessment of that amount.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

(c) *Additional assessment defined.* As used in this section the term "additional assessment" means a further assessment for a tax of the same character previously paid in part, and includes the assessment of a deficiency of any income or estate tax imposed by the Revenue Act of 1924, 43 Stat. 253, or by any subsequent Revenue Act.

* * * * *

SEC. 3772. SUITS FOR REFUND.

(a) *Limitations*—(1) *Claim.* No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner, according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof.

(2) *Time.* No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates.

(3) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun. This paragraph shall not operate (A) to bar a suit or proceeding in respect of a claim reopened prior to June 22, 1936, if such suit or proceeding was not barred under the law in effect prior to that date, or (B) to prevent the suspension of the statute of limitations for filing suit under section 3774 (b) (2).

(b) *Protest or duress.* Such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

* * * * *

SEC. 3774. REFUNDS AFTER PERIODS OF LIMITATION.

A refund of any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) shall be considered erroneous—

(a) *Expiration of period for filing claim.* If made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Commissioner if the refund was made after the expiration of the period of limitation for filing suit, unless—

(1) Within such period suit was begun by the taxpayer, or

(2) Within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement.

* * * * *

SEC. 3775. CREDITS AFTER PERIODS OF LIMITATION.

(a) *Period against United States.* Any credit against a liability in respect of any taxable year shall be void if any payment in respect of such liability would be considered an overpayment under section 3770 (a) (2).

(b) *Period against taxpayer.* A credit of an overpayment in respect of any tax shall be void if a refund of such overpayment would be considered erroneous under section 3774.

§ 324.44 *Nontaxable use or sale by vendee.* Where a vendor who has paid tax upon the sale of a taxable liquid for use as a fuel in a diesel-powered highway vehicle establishes that his vendee used such liquid otherwise than as a fuel in a diesel-powered highway vehicle or resold such liquid, he may under the provisions of section 2452 (a) of the Internal Revenue Code take a credit for such tax paid by him against the tax shown to be due on any subsequent monthly return or he may file a claim for refund of such tax on Form 843. If a refund is claimed, Form 843 shall be completed in accordance with the instructions thereon and, in addition, there shall be attached to such form evidence showing (a) the name and address of the vendee, (b) that the taxable liquid was used otherwise than as a fuel in a diesel-powered highway vehicle or was resold by the vendee, (c) the date the tax on the sale of the liquid was paid to the United States, (d) the amount of such tax, (e) that the person claiming the refund has repaid or agreed to repay the amount of such tax to such vendee or has secured the written consent of the vendee to the allowance of the refund. A credit taken on a return shall be supported by the same evidence. No interest shall be allowed on any tax credited or refunded under the provisions of section 2452 (a).

§ 324.45 *Credit or refund generally.* (a) Where a person (vendor or user) has made an overpayment of the tax due, he may under the provisions of section 3770 of the Internal Revenue Code, either file a claim for refund on Form 843 or take credit for such overpayment against the tax due on a subsequent monthly return. A complete statement of the facts involving the overpayment shall be attached either to the claim or to the return on which the credit is claimed. Every claim for refund shall be supported by evidence showing the name and address of the taxpayer, the date of payment of the tax, and the amount of such tax. A credit taken on a return shall be supported by evidence of the same character.

(b) Where the overpayment of tax is made by a vendor with respect to his taxable sales of a taxable liquid no credit or refund shall be allowed whether in pursuance of a court decision or otherwise, unless the taxpayer files a statement explaining satisfactorily the reason for claiming the credit or refund and establishing (1) that he has not included the tax in the price of the liquid with respect to which it was imposed, or collected the amount of the tax from the purchaser, or (2) that he has either repaid the amount of the tax to the ultimate purchaser of the liquid, or has secured the written consent of such purchaser to the allowance of the credit or refund. In the latter case, the written consent of the purchaser shall accompany the statement filed with the credit or refund claim. For the purpose of the credit or refund claimed under section 3770 the "ultimate purchaser" is the person who acquired the liquid for consumption and not for resale. The statement supporting the credit or refund claim shall also show whether any previous claim for credit or refund covering the amount involved, or any part thereof, has been filed with the director or the Commissioner.

(c) A complete and detailed record of each overpayment must be kept by the taxpayer for a period of at least four years from the date any credit is taken or refund is claimed.

SEC. 3760. CLOSING AGREEMENTS.

(a) *Authorization.* The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) *Finality.* If such agreement is approved by the Secretary, the Under Secretary, or an Assistant Secretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

SEC. 2451. RETURNS AND PAYMENT (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Interest.* The tax shall, without assessment or notice, be due and payable to the collector at the time prescribed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

* * * * *

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided,* That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

* * * * *

SEC. 2707. PENALTIES.

(a) Any person who willfully fails to pay, collect, or truthfully account for and pay over the tax imposed by section 2700 (a), or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(b) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter who willfully fails to pay such tax, make such returns, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person required under this subchapter to collect, account for and pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3710. SURRENDER OF PROPERTY SUBJECT TO DISTRAINT.

(a) *Requirement.* Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Penalty for violation.* Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(c) *Person defined.* The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3793. PENALTIES AND FORFEITURES.

* * * * *

(b) *Fraudulent returns, affidavits, and claims*—(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 286 OF TITLE 18 OF THE UNITED STATES CODE

CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

SEC. 287 OF TITLE 18 OF THE UNITED STATES CODE

FALSE, FICTITIOUS OR FRAUDULENT CLAIMS

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 1001 OF TITLE 18 OF THE UNITED STATES CODE

STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 3325. PENALTIES FOR FALSE STATEMENTS TO PURCHASERS REGARDING TAX.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

§ 324.46 *Penalties and interest.* (a) In the case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. Where reasonable cause is not shown the amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate.

(b) Failure to pay tax within the time fixed for filing returns causes interest to accrue automatically without assessment of the tax by the Commissioner or notice to the taxpayer, from the due date of the return to the actual date of payment or assessment, whichever is prior.

(c) Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand for payment thereof, there will accrue, under section 3655, a 5 percent penalty, and interest at the rate of 6 percent per annum computed upon the entire assessment from the date of issuance of such notice and demand until date of payment. Where assessment is settled by partial payments, interest is computed at the above-prescribed rate from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

(d) If a claim for abatement is filed with the director within 10 days after the date of the issuance of the first notice and demand, the 5 percent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 percent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.

(e) If a false or fraudulent return is willfully made, the penalty, under section 3612 (d) and (e), is 50 percent of the total tax due for the entire period involved, including any tax previously paid.

(f) Any person who willfully fails to pay any tax due, file return, keep records, or supply information, or who willfully attempts in any manner to evade or defeat the tax, or who fraudulently makes a return or affidavit required by these regulations, is subject to a fine of $10,000, or imprisonment, or both, with costs of

prosecution; and may also be liable to a penalty equal to the amount of the tax not paid. These penalties apply to an officer or employee who, as such officer or employee, is under a duty to perform the act in respect of which the violation occurs, as well as to a person who fails or refuses to perform any of the duties imposed by the Code, i. e., pay the tax, file returns, keep records, supply information, etc.

SEC. 2455. RULES AND REGULATIONS (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The Secretary shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

§ 324.47 *Promulgation of regulations.* In pursuance of the provisions of the law the regulations of this part are made and promulgated.

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 29, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 53-25; Filed, Jan. 2, 1953; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Munitions Board

Subchapter B—Miscellaneous Regulations and Policies

PART 122—UNIFORM INSPECTION AND ACCEPTANCE STAMPS

§ 122.1 *Uniform inspection and acceptance stamps.* (a) Common designs for Department of Defense inspection and acceptance stamps have been authorized, by a Department of Defense Directive, dated October 20, 1952, for use by designated personnel of the military departments. These stamps will replace the various stamps now in use by the Air Force, Navy and the technical services of the Army. Use of these stamps is authorized as of the date of the Directive and shall be in full use in lieu of all other stamps as soon as practicable and in any event by July 1, 1953.

(b) The design showing an eagle within a circle shall be used to identify material which has undergone only a partial inspection but has been found by the inspector to be acceptable to the extent that it has been inspected.

(c) The design showing an eagle within a square shall be used to indicate that the items to which it has been applied have been accepted by the inspector as being in conformance with the inspection requirements of the contract or order.

(d) For steel stamps, standard sizes specified are ⅛, ¼, ⅜, and ½ inch. The square outline of the steel acceptance stamp shall have radii at the four corners.

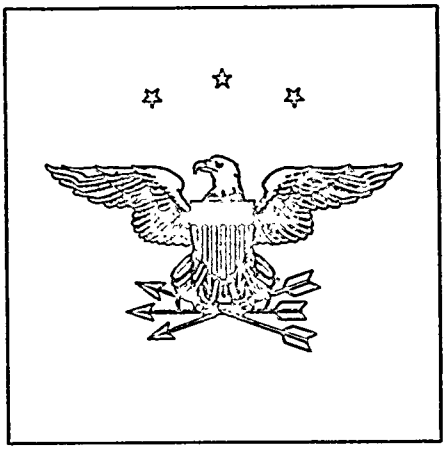
(e) For rubber stamps, standard sizes are ¼, ½, 1, and 2½ inch.

(f) For stencils, standard sizes are 1½, 2, and 3½ inch.

(g) Unauthorized reproduction of Department of Defense inspection and acceptance stamps is prohibited.

(Pub. Law 436, 82d Cong.)

J. W. FOWLER,
Rear Admiral, U. S. N. (Ret.), Director, Defense Supply Management Agency.



[F. R. Doc. 53-54; Filed, Jan. 2, 1953; 8:59 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 30, Amdt. 2 to Supplementary Regulation 8]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 8—ADJUSTMENT OF PRICING FORMULAS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

EXTENSION OF DATE

Extension of date on and after which manufacturers covered by Supplementary Regulation 8 to Ceiling Price Regulation 30 may not sell formula priced commodities or services at ceiling prices established either under Supplementary Regulation 4 or 5 to Ceiling Price Regulation 30.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 8 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to SR 8 to CPR 30 extended the deadline date on and after which manufacturers of formula priced commodities and services covered by SR 8 to CPR 30 could not sell these commodities or services at ceiling prices determined under SR 4 or 5 to CPR 30 to December 31, 1952. The reason for that amendment was that the method described in the statement of considerations to SR 8 to CPR 30 to permit the computation of an average overhead adjustment factor, in those cases in which formula priced commodities were in the same product line or category as stock items, which was to be incorporated into SR 4 to CPR 30, had been delayed. However, because of the further delay of the issuance of the above-described amendment to SR 4, this amendment extends the December 31, 1952, date to January 31, 1953.

In view of the technical nature of the changes made by this amendment, and the desirability of immediate action, the Director of Price Stabilization has found that special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Subparagraph (2) of section 9 (b) of SR 8 to CPR 30 is amended to read as follows:

(2) *Relation to Supplementary Regulations 4 and 5 to CPR 30.* This supplementary regulation supersedes and replaces SR 4 and SR 5 to CPR 30 with respect to the establishment of adjusted ceiling prices for formula priced commodities and services covered by this supplementary regulation. On and after January 31, 1953, you may not sell any formula priced commodity or service covered by this supplementary regulation at a ceiling price established either under SR 4 or SR 5 to CPR 30. In addition, your application for adjustment under this supplementary regulation may be made separately from your application for adjustment under SR 4 or SR 5 to CPR 30, and your adjusted ceiling prices determined under this supplementary regulation may be made effective separately from your adjusted ceiling prices determined under SR 4 or SR 5 to CPR 30.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 31, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 31, 1952.

[F. R. Doc. 52-13803; Filed, Dec. 31, 1952; 12:25 p. m.]

[Ceiling Price Regulation 30, Supplementary Regulation 10]

CPR 30—Machinery and Related Manufactured Goods

SR 10—Manufacturers of Cotton Ginning Machinery

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to Ceiling Price Regulation 30 is hereby issued.

Statement of Considerations

This supplementary regulation permits manufacturers of cotton-ginning machinery, auxiliary ginning equipment, and repair and replacement parts for such machinery and equipment, covered by Ceiling Price Regulation 30 to increase by 4.7 percent their ceiling prices properly determined under the regulation.

The cotton-ginning manufacturers industry requested the Office of Price Stabilization to conduct an Industry Earnings Standard Survey in order to determine if this industry was entitled to an increase in ceiling prices. This survey was completed on May 16, 1952, and indicated that the industry was entitled to a 0.2 percent increase above CPR 30 ceiling prices. Subsequently, the industry requested that this survey be extended to include various cost increases experienced since the completion of the survey and that actual nine month operating figures be substituted for estimates of these figures used in the original survey. This supplemental survey was completed on November 21, 1952, and showed that an increase of 4.7 percent above CPR 30 ceiling prices was apparently warranted. However, this determination was based upon data for an incomplete 1952 accounting period; therefore, the adjustment granted by this supplementary regulation is of an interim nature until such time as complete data for the 1952 accounting period can be obtained. It may be that this complete data will require a revision of the 4.7 percent, and if such is the case an appropriate revision will be made after the data has been obtained and analyzed.

Further, since the data upon which this survey was based did not include adjustments permitted by General Overriding Regulation 35 (Pass Through For Steel, Pig Iron, Copper, and Aluminum Cost Increases) manufacturers who adjust their ceiling prices under this supplementary regulation may, in addition thereto, utilize the provisions of GOR 35.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act, as amended, and comply with the applicable standards of that act.

Regulatory Provisions

Sec.

Authority: Sections 1 through 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this supplementary regulation does*—(a) *Commodities covered.* This supplementary regulation applies only to cotton-ginning machinery, auxiliary ginning equipment, and replacement or repair parts for such machinery and equipment. The following are illustrations of such machinery and equipment: Gin stands; cleaners; condensers; cotton, cottonseed and trash handling equipment; distributors; dryers; extractors; feeders; pressers and tampers; separators and vacuum feeders. But this supplementary regulation does not cover such commodities as fans, blowers, electric motors, or any other components or parts not exclusively designed to be incorporated into, or to be used in connection with cotton ginning machinery or auxiliary ginning equipment.

(b) *Persons covered.* This supplementary regulation applies to you only if you are a manufacturer of the machinery, equipment, or parts described in paragraph (a) of this section, and if you are subject to the provisions of CPR 30 as to such commodities. If you are such a manufacturer you may adjust your CPR 30 ceiling prices in the manner prescribed in section 2 of this supplementary regulation.

Sec. 2. *Adjustment.* If you are covered by this supplementary regulation you may increase your CPR 30 ceiling prices for the commodities described in section 1 by 4.7 percent. All sales of commodities covered by this supplementary regulation made by you on and after the effective date of this supplementary regulation may be made at your adjusted ceiling prices determined under this section.

Sec. 3. *Applicability of CPR 30 and other regulations*—(a) *CPR 30.* All provisions of CPR 30 which are not inconsistent with this supplementary regulation remain applicable to you.

(b) *Supplementary regulations to CPR 30*—(1) *SR 1, Rev. 1, to CPR 30.* Supplementary Regulation 1, Revision 1, to CPR 30 may be used in conjunction with the adjustment granted by this supplementary regulation. In applying the provisions of SR 1, Rev. 1, to CPR 30 do the following:

(i) Add 100 percent to the sum of your labor and materials cost adjustments factors properly computed under CPR 30.

(ii) Multiply the sum found in subdivision (i) above by 104.7 percent. The result is the "permissible ceiling price ratio" that you must use in connection with your calculations under SR 1, Rev. 1, to CPR 30 (section 3 (f) of SR 1, Rev. 1, to CPR 30)

Example: Your material and labor cost adjustment determined under CPR 30 are 10 percent and 5 percent respectively. 100%+10%+5%=115%, the sum derived under subdivision (i), 115%×104.7%=120.41%, your "permissible ceiling price ratio" (section 3 (f) SR 1, Rev. 1, to CPR 30).

(2) *SR 9 to CPR 30.* Supplementary Regulation 9 to CPR 30, if applicable to you, may be used in addition to the adjustment granted by this supplementary regulation.

(3) *Other supplementary regulations to CPR 30.* No supplementary regulations to CPR 30 other than those specified in subparagraphs (1) and (2) of this paragraph may be used by you if you use this supplementary regulation.

(c) *GOR 35.* You may adjust your ceiling prices determined in accordance with this supplementary regulation pursuant to the provisions of GOR 35 (Pass Through for Steel, Pig Iron, Copper, and Aluminum Cost Increases).

Sec. 4. *Definitions.* Unless the context otherwise requires, all terms used in this supplementary regulation have the same meaning as in CPR 30.

Effective date. This supplementary regulation is effective December 31, 1952.

Joseph H. Freehill,
Director of Price Stabilization.

December 31, 1952.

[F. R. Doc. 52-13810; Filed, Dec. 31, 1952; 12:25 p. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 11]

CPR 34—Services

SR 11—Professional Baseball

Modification of Admission Price

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F R. 738) this Amendment 1 to Supplementary Regulation 11 to Ceiling Price Regulation 34 is hereby issued.

Statement of Considerations

This amendment to Supplementary Regulation 11 to Ceiling Price Regulation 34, as amended, permits the Cincinnati Baseball Club to charge $2.00 for admission to all reserved seats for all baseball games at which reserved seat admission charges have been made customarily. This slight modification of the Cincinnati Baseball Club's schedule of admission charges is well within the eight percent limitation set forth in section 8 of Ceiling Price Regulation 34 and applied to professional baseball by Supplementary Regulation 11 thereto. The Statement of Considerations contained in that supplementary regulation is equally applicable to this regulatory action and is incorporated by reference herein.

In view of the special nature of this amendment, circumstances have ren-

dered extensive consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization, the ceiling price established by this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Appendix I of Supplementary Regulation 11 to Ceiling Price Regulation 34, as amended, is amended by deleting the sum $1.75 from the schedule of reserved seat admissions for the Cincinnati Baseball Club so that the ceiling price for the reserved seat admissions shall be $2.00 in all cases. The new schedule of admissions shall read as follows:

Cincinnati:	
Box seats	$2.25–$2.00
Reserved seats	2.00
General admission	1.25
Bleacher	65

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall be effective January 7, 1953.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

JANUARY 2, 1953.

[F. R. Doc. 53-116; Filed, Jan. 2, 1953; 12:17 p. m.]

[Ceiling Price Regulation 60, Amdt. 8]

CPR 60—CASTINGS

DEFINITIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

The ceiling prices of the various types of castings, including carbon or low alloy steel castings, high alloy steel castings, malleable iron castings, gray iron castings and manganese steel castings, are established pursuant to the provisions of Ceiling Price Regulation (CPR) 60. Prior to this time it has not been necessary to clearly define these various products. Now, however, adjustments in the ceiling prices of certain types of these castings have been (or will be) authorized as a result of surveys conducted in accordance with the Industry Earnings Standard. Accordingly, it becomes necessary to clearly define the products on which the adjustments may be made.

This amendment, therefore, adds definitions of steel castings (carbon or low alloy) high alloy steel castings, malleable iron castings, gray iron castings and manganese steel castings to section 8 of CPR 60.

In view of the clarifying nature of this amendment, special circumstances have rendered consultations with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 8 of Ceiling Price Regulation 60 is amended by adding the following new items:

(m) "Steel casting (carbon or low alloy)" means any casting which contains less than 1.70 per cent carbon and/or alloys totaling not more than 8 per cent.

(n) "High alloy steel casting" means any heat resistant casting or corrosion resistant casting which has a ferrous base and which contains more than 8 per cent alloy. It also means any chrome iron abrasion-resistant casting which has a ferrous base which contains more than 8 per cent alloy. This definition does not include wear-resistant castings containing 10 per cent or more manganese and commonly known as manganese steel castings.

(o) "Manganese steel castings" means any casting which contains 10 per cent to 16 per cent manganese.

(p) "Malleable iron castings" means all ferrous castings having a definite ductility resulting from an annealing process and known as malleable iron, pearlitic malleable iron or by a trade name.

(q) "Gray iron castings" means all ferrous or ferrous base castings other than steel castings (carbon or low alloy) high alloy steel castings, manganese steel castings and malleable iron castings, as defined in this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Ceiling Price Regulation 60 is effective January 2, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 2, 1953.

[F. R. Doc. 53-117; Filed, Jan. 2, 1953; 12:17 p. m.]

[Ceiling Price Regulation 60, Supplementary Regulation 2]

CPR 60—CASTINGS

SR 2—ADJUSTMENT IN CEILING PRICES FOR PRODUCERS OF STEEL (CARBON OR LOW ALLOY) AND MANGANESE STEEL CASTINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes an interim increase of 5 percent in the producer's ceiling prices of steel (carbon or low alloy) and manganese steel castings.

Representatives of both the steel (carbon or low alloy) castings industry and the manganese steel castings industry recently requested the Office of Price Stabilization to undertake an industry earnings standard's survey to determine whether the ceiling prices established for steel castings and manganese steel castings by Ceiling Price Regulation (CPR) 60 are generally fair and equitable. Because of the similar conditions prevailing in each of these industries, and in order to expedite the granting of any adjustment which might be justified under the standard, the Office of Price Stabilization was urged to include both industries in a single survey.

The price adjustment provided for by this supplementary regulation includes data obtained from both industries and is based upon the same type of data and the same standards as the price adjustment previously authorized for malleable iron castings by Supplementary Regulation 1 to CPR 60 issued December 19, 1952, and, like that adjustment, is in addition to the adjustment authorized by General Overriding Regulation (GOR) 35.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and full consideration has been given to their recommendations.

In the opinion of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that act.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Adjustment of ceiling prices.
3. Applicability of General Overriding Regulation 35.
4. Applicability of Ceiling Price Regulation 60.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits producers of steel (carbon or low alloy) castings and producers of manganese steel castings to increase the ceiling prices for such castings established under CPR 60 by 5 percent.

SEC. 2. *Adjustment of ceiling prices.* If you are a producer of steel (carbon or low alloy) or manganese steel castings, you may increase your ceiling prices, as established under CPR 60, for them and for equipment furnished by you in connection with your sales of such castings, by 5 percent.

SEC. 3. *Applicability of General Overriding Regulation 35.* After you have recalculated your ceiling prices pursuant to section 2 of this supplementary regulation, you may further adjust your ceiling prices as provided in General Overriding Regulation 35 to reflect metal cost increases.

SEC. 4. *Applicability of Ceiling Price Regulation 60.* Except to the extent expressly modified or supplemented by this regulation, all provisions of Ceiling Price Regulation 60 shall be applicable to any producer subject to this regulation.

Effective date. This Supplementary Regulation 2 to Ceiling Price Regulation 60 is effective January 2, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 2, 1953.

[F. R. Doc. 53-118; Filed, Jan. 2, 1953; 12:17 p. m.]

[Ceiling Price Regulation 60, Supplementary Regulation 3]

CPR 60—CASTINGS

SR 3—ADJUSTMENT IN CEILING PRICES FOR PRODUCERS OF GRAY IRON CASTINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 3 to Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes an interim increase of 9 percent in the producer's ceiling prices of gray iron castings.

At the request of representatives of the gray iron castings industry, the Office of Price Stabilization has completed a survey to determine whether the ceiling prices established for gray iron castings by Ceiling Price Regulation (CPR) 60 are generally fair and equitable. In accordance with the requirements of the revised procedure for conducting surveys under the Industry Earnings Standard, earnings data were obtained from representative firms in the industry for the years 1946 through 1949 and 1951. The price adjustment provided for by this supplementary regulation is based upon a comparison of the ratio of aggregate earnings to consolidated net worth for the companies involved in the best three out of four years during the 1946 to 1949 period, with the ratio of aggregate earnings to consolidated net worth for a recent representative period adjusted to reflect cost increases and changes in volume which have occurred since that time. A comparison of the data referred to above indicates that because of the impact of these cost increases, particularly the increased wages which the industry has recently put into effect, the industry's earnings have decreased materially. An increase of 9 percent in ceiling prices is now required to restore them to the Industry Earnings Standard level (85 percent of the industry's average base period earnings, before income and excess profits taxes, adjusted for changes in net worth) and to provide for generally fair and equitable ceiling prices for this industry. Accordingly, this supplementary regulation permits producers of gray iron castings to increase their ceiling prices by 9 percent. The adjustment authorized by this supplementary regulation is in addition to the adjustment authorized by General Overriding Regulation (GOR) 35.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and full consideration has been given to their recommendations.

In the opinion of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment of ceiling prices.
3. Applicability of General Overriding Regulation 35.
4. Applicability of Ceiling Price Regulation 60.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits producers of gray iron castings to increase the ceiling prices which they have established under CPR 60 by 9 percent.

SEC. 2. *Adjustment of ceiling prices.* If you are a producer of gray iron castings you may increase your ceiling prices, as established under CPR 60, for them and for equipment furnished by you in connection with your sales of such castings, by 9 percent.

SEC. 3. *Applicability of General Overriding Regulation 35.* After you have recalculated your ceiling prices pursuant to section 2 of this supplementary regulation, you may further adjust your ceiling prices as provided in General Overriding Regulation 35 to reflect metal cost increases.

SEC. 4. *Applicability of Ceiling Price Regulation 60.* Except to the extent expressly modified or supplemented by this regulation, all provisions of Ceiling Price Regulation 60 shall be applicable to any producer subject to this regulation.

Effective date. This Supplementary Regulation 3 to Ceiling Price Regulation 60 is effective January 2, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 2, 1953.

[F. R. Doc. 53-119; Filed, Jan. 2, 1953; 12:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Amdt. 1 of December 31, 1952]

M-6A—STEEL DISTRIBUTORS

TREATMENT OF AUTHORIZED CONTROLLED MATERIAL ORDERS BEARING CERTAIN ALLOTMENT SYMBOLS.

This amendment to NPA Order M-6A as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, consultation with industry representatives has been impracticable because of the need for immediate action.

NPA Order M-6A as amended October 30, 1952, is hereby amended in the following respects:

AMENDATORY PROVISIONS

1. A new section to be designated as section 8 is hereby added. This section reads as follows:

SEC. 8. *Treatment of authorized controlled material orders bearing certain allotment symbols.* Each steel distributor is hereby required to accept authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit (including the suffix B-5), or Z-2, in preference to other authorized controlled material orders or other purchase orders, whenever the particular product ordered may then be filled from the inventory of such steel distributor. This requirement is subject to the right of a steel distributor to reject any such order if the person seeking to place such order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment, and is also subject to the provisions of section 4 of CMP Regulation No. 4.

2. Sections presently numbered 8 through 12, inclusive, are hereby redesignated as sections 9 through 13, inclusive.

(64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154)

This amendment shall take effect January 1, 1953.

Issued: December 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

[F. R. Doc. 52-13813; Filed, Dec. 13, 1952; 2:53 p. m.]

[NPA Order M-6A, Direction 1, Revocation]

M-6A—STEEL DISTRIBUTORS

DIR. 1—TREATMENT OF PURCHASE ORDERS BEARING CERTAIN ALLOTMENT SYMBOLS

REVOCATION

Direction 1 (17 F R. 5463) to NPA Order M-6A is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to NPA Order M-6A as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154)

This revocation is effective January 1, 1953.

Issued: December 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

[F. R. Doc. 52-13814; Filed, Dec. 31, 1952; 2:53 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 11]

[Rent Regulation 2, Amdt. 10]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

MISCELLANEOUS AMENDMENTS

Effective January 2, 1953, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 31st day of December 1952.

JAMES McL. HENDERSON,
Director of Rent Stabilization.

1. In Rent Regulation 1 the center heading appearing immediately before section 81 is amended to read as follows: "Housing accommodations of a class under control in a rent controlled area on September 19, 1951, and which class has been continuously under control since that date."

2. Rent Regulation 1 is further amended by changing the center heading which appears immediately preceding section 91 to read as follows: "Housing accommodations of a class or in a defense-rental areas, which (class or defense-rental area) was (1) not under control on September 19, 1951, or (2) under control on September 19, 1951, and subsequently decontrolled and later recontrolled."

3. Rent Regulation 2 is amended by changing the center heading which immediately precedes section 81 to read as follows: "Rooms of a class under control in a rent controlled area on September 19, 1951, and which class has been continuously under control since that date."

4. Rent Regulation 2 is further amended by changing the center heading which immediately precedes section 91 to read as follows: "Rooms of a class or in a defense-rental area, which (class or defense-rental area) was (1) not under control on September 19, 1951, or (2) under control on September 19, 1951, and subsequently decontrolled and later recontrolled."

[F. R. Doc. 53-76; Filed, Jan. 2, 1953; 9:11 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

SHASTA DAM AND RESERVOIR, SACRAMENTO RIVER, CALIFORNIA

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 709) § 208.86 is hereby prescribed to govern the use and operation of Shasta Dam and Reservoir, on Sacramento River, California, for flood-control purposes:

§ 208.86 *Shasta Dam and Reservoir.* The Bureau of Reclamation shall operate Shasta Dam and Reservoir in the interest of flood control as follows:

(a) Releases from Shasta Reservoir shall be restricted to quantities which will not cause downstream flows or stages to exceed, insofar as possible, any one of the following criteria: (1) A flow of 79,000 cubic feet per second at the tail water of Keswick Dam; (2) a stage of 20.5 at the Iron Canyon gaging station near Red Bluff (considered to correspond to a flow of approximately 100,000 cubic feet per second), or, (3) a stage of 117.0 at the Ord Ferry gage (considered to correspond to a flow of approximately 130,000 cubic feet per second in main and secondary channels in the vicinity of that gage)

(b) Storage space in Shasta Reservoir shall be kept available for flood-control purposes in accordance with the Flood-Control Storage Reservation Diagram currently in force, except when storage of flood water is necessary as prescribed in paragraph (a) of this section. Any water temporarily stored in the flood-control space indicated by the Flood-Control Storage Reservation Diagram currently in force shall be released as rapidly as can be safely accomplished without causing downstream flows to exceed the criteria prescribed in paragraph (a) of this section. The Flood-Control Storage Reservation Diagram in force as of the promulgation of this section is that dated December 16, 1952, File No. SA-17-26-13, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D. C., and in the office of the Commissioner of Reclamation, Washington, D. C. Revisions of the Flood-Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Flood-Control Storage Reservation Diagram currently in force for purposes of this section. Copies of the Flood-Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

(c) In the event that the reservoir level rises above elevation 1065 at the dam (top of spillway gates), subsequent operation of the dam shall be such as to cause downstream flows and stages to exceed as little as possible the criteria prescribed in paragraph (a) of this section and in no event to cause the maximum subsequent release from the reservoir to exceed the estimated maximum flow that would have occurred subsequently under the conditions which existed prior to the construction of the dam.

(d) Nothing in these regulations shall be construed to require dangerously rapid changes in magnitudes of releases.

(e) The Bureau of Reclamation shall procure such current basic hydrologic data and make such current determinations of required flood-control storage reservation from the Flood-Control Storage Reservation Diagram currently in force and current calculations of permissible releases from the reservoir as are required to accomplish the flood-control objectives prescribed in this section.

(f) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request, and also of those basic operating criteria which affect the schedule of operation. Also the Bureau of Reclamation shall keep the State Engineer, acting for the Department of Public Works of the State of California, currently advised of reservoir releases.

(g) The flood-control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modifications may be made by any available means of communication and the action taken by the District Engineer shall be confirmed in writing under date of the same day to the Office of the Regional Director of the Bureau of Reclamation in charge of the operations.

[Regs., Dec. 16, 1952—ENGWE] (58 Stat. 890; 33 U. S. C. 709)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-15; Filed, Jan. 2, 1953; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 23]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

1 The automatic direction finding procedures prescribed in § 609 9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station					Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft)	Distance from station to approach end of runway (mi)	Field elevation (ft)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—/	Magnetic course (degs)	Distance (mi)	Minimum altitude (ft)							Ceiling (ft)	Visibility (miles)	
ANDERSON, S. C. Anderson Airport 236 kc; AND; BMHTV	(All directions—MEA from primary fixes)					58 238	10 mi—2,000 S side course 15 mi—NA 20 mi—NA 25 mi—NA	1280	On Arpt	783	R A	500 1 0000 (BCOB)	2 0 2 0	Make 180° left turn and climb to 2,000′ on crs of 238° within 25 mi of Rbn, or as directed by ATC
	Int. S crs Greenville LFR and SW crs Spartanburg LFR	Rbn	238	24 0	2 200						T	300	1 0	
AUGUSTA, GA Bush Field (Procedure No 1) 385 kc; AGS; SBRAZ-DTV	(All directions—MEA from primary fixes)					96 276	10 mi—1 600′ N side course 15 mi—1 600′ N side course 20 mi—1 600 N side course 25 mi—1,600 N side course	1140	127° 7 3	142	R A T	600 800 300	2 0 2 0 1 0	Turn right, climb to 1,600′ on crs of 171° within 25 mi of LFR, or as directed by ATC CAUTION: Camp Gordon danger area 2.5 mi S of final approach crs. NOTE: Deviation authorized in direction of procedure turn due to danger area to S
	Augusta VOR	Rng	153	8 0	1 800									
(Procedure No. 2) 233 kc; AG; LOM	(All directions—MEA from primary fixes)					348 168	10 mi—1 400 W side course 15 mi—1,400′ W side course 20 mi—1,400 W side course 25 mi—1,400 W side course	1200	5 0	142	R *S A T	600 500 800 300	2 0 1 0 2 0 1 0	Climb to 2,000 on crs of 348° and proceed to Augusta LFR or as directed by ATC *Runway 35 NOTE: Deviation authorized in direction of procedure turn due to danger area to E.
	Augusta LFR	LOM	146	13 0	1 400									
	Augusta VOR	LOM	148	21 0	1 800									
BIRMINGHAM, ALA Birmingham Arpt 375 kc; BH; LOM	(All directions—MEA from primary fixes)					52 232	10 mi—2 000 *N side course 15 mi—2 000 *N side course 20 mi—2 000 *N side course 25 mi—2,000 *N side course	1 820	5 4	643	R (R) S§ A T	900 800 600 1,000 (BCOB) 300	1 5 1 0 1 0 2 0 1 0	Climb to 2,500′ on N crs of Birmingham LFR within 25 mi of LOM, or as directed by ATC *Deviation from standard criteria authorized to avoid obstruction to S of crs §Runway 5
	Birmingham LFR	LOM	215	9.0	2 500									
NEWARK, N. J. Newark Airport 400 kc; EW; LOM	(All directions—MEA from primary fixes)					37 217	10 mi—1 500′ E side course 15 mi—1 500 E side course 20 mi—1,500 E side course 25 mi—1,500′ E side course	1,040	5 63	18	R (R) S* A T	600 600 600 1,000 (BCOB) 300	1 5 1 0 1 0 2.0 1.0	Climb to 1,000 on crs of 37°, make a left climbing turn direct to Patterson Rbn at 2,000′, or as directed by ATC *Runway 4
	Flatbush Rbn	LOM	274	11 0	1,500									
	Paterson Rbn	LOM	200	24 0	2,000									
	Matawan VAR	LOM	11	16 0	1,500									
	Int. W crs Matawan VAR and 66° brg to LOM	LOM	66	20 0	1,500									
	Newark LFR	LOM	206	5 0	1,500									
	Chatham Rbn	LOM	142	15.0	2,000									
TULSA, OKLA. Tulsa Airport (Procedure No 2—Using Owasso Rbn) 233 kc; OWS; MHW	(All directions—MEA from primary fixes)					174 354	10 mi—2 000′ W side course 15 mi—2 000′ W side course 20 mi—2 100′ W side course 25 mi—2 100′ W side course	1 500	4.6	674	R (R) S* A T§	500 500 500 800 300	1.5 1 0 1.0 2.0 1.0	Climb to 2,200′ on SW crs of LFR within 25 mi of range, or as directed by ATC *Runway 17L. §Runway 17R closed for all take-offs
	Verdigris River FM	Rbn	256	10 0	1,800									
	Tulsa LFR	Rbn	335	3 5	2,000									
	Red Fork FM	Rbn	31	16 0	2,200									
	Skiatook FM	Rbn	115	15.0	2,000									
	Tulsa VOR	Rbn	102	2.5	2,000									

2 The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft)	Glide path altitude over markers (ft)		Distance from markers to approach end of runway (mi)		Field elevation (ft)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs)	Distance (mi)	Minimum altitude (ft)				Outer	Middle	Outer	Middle			Ceiling (ft)	Visibility (mi)	
ALBUQUERQUE, N. MEX. Kirtland Field Freq. 110.3 mc Ident ABQ	Albuquerque LFR	LOM	102	1 5	7,000	349 169	7 000 —#W side S crs	6 400	6 400	5,530	4 32	0 60	5,330	R (R) S* A T	500 500 400 800 300	1 5 1.0 3/4 2 0 1 0	Turn left to 325°, climb to 8 000' on N crs Albuquerque LFT, or on crs of 10° from Albuquerque VOR, or as directed by ATC *Runway 35. #CAUTION: Terrain exceeding 8 000' in E sectors of ILS and LFR. All turns to be made on W side of crs NOTE: Deviation authorized for procedure turn
	Peralta FM Albuquerque VOR	LOM LOM	349 104	11 0 12 0	6 400 7,000												
AUGUSTA, GA Bush Field Freq. 109.0 mc Ident AGS	Augusta LFR	Outer marker	146	13 0	1,400	S 348 168	1 300'—*W side S crs	(**)	(**) 1,300 (Alt. over OM on final appr)	(**)	5 00	0 65	142	R S# A T	600 400 800 300	2 0 1 0 2 0 1 0	Climb to 2 000 on crs of 348° and proceed to Augusta LFR, or as directed by ATC. *This is a deviation from standard criteria because of the prohibited area to the E. **No glide path available #Runway 35
	Augusta VOR	Outer marker	135	9 0	1 400												
AUSTIN, TEX Mueller Airport Freq. 109.5 mc Ident. AUS	Austin VOR	LOM	149	11 0	2,000	SE 305 125	2 000'—E side SE crs	*2 000	2,120	820	6 12	0 69	631	R (R) S# A T	500 500 400 800 300	1 5 1.0 3/4 2 0 1 0	Climb to 2,500' on NW crs of ILS within 25 mi, or as directed by ATC. *Will intercept glide path 0.5 mi after passing outer marker (deviation from standard criteria) #Runway 30L
	Austin LFR	NW crs ILS	118	1 5	1,000												
	Smithville Rbn	SE crs ILS	235	20 0	1,000												
BOISE, IDAHO Boise Air Terminal Freq. 109.0 mc Ident. BOI	Boise LFR	Outer marker	256	2.0	4,000	NW 99 270	4000'—S side NW crs	3 000	3 000	3,035	4 36	0 69	2,853	R (R) S# A T	600 700 600 400 800 300	1 5 1 5 1.0 3/4 2.0 1 0	Turn right and climb to 4,000' on NW crs Boise LFR within 10 mi of LFR. *Night minimums. #Runway 10L. NOTE: (1) Deviation from standard criteria authorized for missed approach procedure. (2) LOM Freq 209 kc, Ident. BO
	Int. SE crs Boise LFR and NW crs ILS	Outer marker	276	4 5	4 000												
	Eagle FM	NW crs ILS (inbound)	149	8.0	4 000												
	Boise VOR	LOM	22	0.5	4,000												
BUFFALO, N. Y. Buffalo Airport Freq. 110.3 mc Ident. BUF (Procedure No. 2—Using Back Course ILS Localizer)	SW crs Buffalo LFR	SW crs ILS	52	0 0	2,000	SW 52 232	2,000'—S side SW crs (within 10 mi of Cheektowaga FM) 2,200'—within 25 mi	1,500 (Over Cheektowaga FM)	(*)	(*)	2.7 (from Cheektowaga FM)		711	R (R) S# A T	500 500 400 800 300	1 5 1.0 1.0 2.0 1.0	Climb to 2,000' on NE crs ILS, or as directed by ATC Not applicable. #Runway 5.
	Angola FM	SW crs ILS	52	0.0	2,000												
	Buffalo VOR	SW crs ILS	234	0.5	2,000												
CHATTANOOGA, TENN. Lovell Field Freq. 109.5 mc Ident. CHA	Chattanooga LFR	Outer marker	313	1.7	2,000	N 105 15	2,000'—*E side N crs	2,200 (At OM)	(**)	(*)	4.72	0.72	682	R S# A T	700 400 800 300	2.0 1.0 2.0 1.0	Turn left, climb to 4 000' on SE crs Chattanooga LFR. *Deviation from standard criteria authorized—high terrain to the W **No glide path available. #Runway 19

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course; degrees inbound; out bound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft)	Glide path altitude over markers (ft)		Distance from markers to approach end of runway (mi)		Field elevation (ft)	Minimums			If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs)	Distance (mi)	Minimum altitude (ft)				Outer	Middle	Outer	Middle			Ceiling (ft)	Visibility (mi)	
BURBANK, CALIF. Lockheed Air Terminal Freq. 109.5 mc Ident BUR	Burbank LFR	Canoga Park Rbn	250	11 0	4 000	W 75 255	4 000'—S side W crs (Procedure turn W of Canoga Park Rbn within 10 miles)	*4,000 (over Canoga Park Rbn)	1,500 (over MM)	*1,360 (over Inner Compass Locator)	2.03 (MM)	0.50 (LIM)	763	R ** S# A T	900 900 600 900 300	1 5 2 0 1 0 2 0 1 0	If contact not established over inner compass locator, climb to 5,000' on SE crs Burbank LFR or as directed by ATC. No glide path facility—figures given are minimum altitudes on final approach. **Night minimums #Runway 7 CAUTION: 2,000' terrain 2 5 mi NE of arpt rising to 3,126' at approx 4 mi ENE. NOTE: (1) Deviations authorized: ILS localizer at approach end of Rwy 7; no glide path. (2) No reductions in landing minimums for acft with stall speeds of 75 mph or less
	Int. SW crs Newhall LFR and NW crs Burbank LFR	Canoga Park Rbn	130	9 0	4 000												
	Int SW crs Newhall LFR and W crs ILS	Canoga Park Rbn	75	15 0	4 000												
CASPER, WYO. Natrona Co Airport Freq. 110.3 mc Ident. OPR (Procedure No 2—Procedure No 1 not published)	Casper LFR	E crs ILS	73	0 0	6,500	E 253 73	6,500'—N side E crs (within 10 mi) 7 000'—within 25 mi	(***)	(***)	(***)	7,7 (from Casper LFR)		5 347	R S# ## A T	500 *400 *400 800 300	2 0 +1 5 +2 0 2 0 1 0	Turn right, climb to 7,500' on N crs Casper LFR or as directed by ATC. *Landing minimums less than 500-2 authorized only when ILS LMM operating and utilized. LMM: 201 kc, "PR", 0 66 mi from end of Rwy 7. **Descent to 6 000 authorized if Parkerton FM used on final ***Not applicable #Runway 25. ##Night minimums. +400—1 day, 400—1.5 night for acft with stall speeds of 75 mph or less. CAUTION: 5,900' msl terrain 5 mi S SW and W of airport. NOTE: Deviation from standard criteria authorized for straight in minimums and for missed approach procedure
	Casper VOR	E crs ILS	153	13 0	7,000												
	Parkerton FM	E crs ILS	200	5 0	**6,500												
CHEYENNE WYO. Cheyenne Airport Freq. 110.3 mc Ident C Y S	Cheyenne LFR	LOM	81	8 0	7,500	E 262 82	7 500—N side E crs	7 500	7,500	6 300	6 11	0 66	6 156	R (R) S* A T	500 500 400 800 300	1 5 1.0 3/4 2 0 1 0	Climb to 7,500' on S crs Cheyenne LFR, or as directed by ATC Runway 26
	Hillsdale FM	E crs ILS	230	5 0	7,500												
	Silver Crown FM	LOM	92	20 0	8,000												
	Cheyenne VOR	LOM	115	7 0	7 500												
DALLAS, TEX. Love Field	(PROCEDURE CANCELED)																
MOBILE ALA Bates Field Freq. 109.9 mc Ident MOB	Mobile LFR	Outer Marker	290	12.0	1,400	NW 140 320	1 400'—W side NW crs	1,400 (over OM)	(*)	( )	4.50	0 67	217	R (R) #S A T	500 500 400 800 300	1 5 1.0 3/4 2.0 1 0	Turn right, climb to 1,500' on SW crs Mobile LFR or as directed by ATC. No glide path available #Runway 14
	Int. SW crs Mobile LFR and SE crs ILS	Outer Marker	320	12.0	1,400												
	Mobile VOR	Outer Marker	63	4.5	1,400												
NEWARK, N. J. Newark Airport Freq. 110.3 mc Ident EWR	Int. E crs Allentown LFR and SW crs Newark LFR	SW crs ILS	80	13 0	1,500	SW 37 217	1 500'—E side SW crs	1 500	1 500	245	5 63	0.66	18	R (R) *S A T	600 600 400 800 300	1 5 1.0 3/4 2.0 1.0	Climb to 1,000' on NE crs ILS, make climbing left turn, climb to 2,000' on direct crs to Paterson Rbn or as directed by ATC Runway 4.
	Int. W crs Matawan VAR and SW crs ILS	SW crs ILS	37	0.0	1,500												
	Matawan VAR	SW crs ILS	356	11.0	1,500												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Magnetic course (degs)	Transition to ILS: Distance (mi)	Transition to ILS: Minimum altitude (ft)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft)	Glide path altitude over markers (ft): Outer	Glide path altitude over markers (ft): Middle	Distance from markers to approach end of runway (mi): Outer	Distance from markers to approach end of runway (mi): Middle	Field elevation (ft)	Minimums	Minimums: Ceiling (ft)	Minimums: Visibility (mi)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
SAN ANTONIO, TEX San Antonio Airport Freq. 109 0 mc Ident. SAT (Procedure No 2—Using Back Course ILS Localizer)	San Antonio VOR	NE crs ILS	142	5 0	2,400	NE 211 31	2,400—N side NE crs (Within 15 mi NA beyond 15 miles)	1,800 (over Int. 322° brg to San Antonio VOR or Int. E crs San Antonio LFR)	(*)	(*)	3 5 (from Int 322 brg to San Antonio VOR or Int. E crs San Antonio LFR		800	R (R) S# A T	500 500 400 800 300	1 5 1 0 1 0 2 0 1 0	Climb to 2,200 on S crs San Antonio LFR or crs of 174° from San Antonio VOR within 25 mi, or as directed by ATC No glide path facility #Runway 21,
	San Antonio LFR	NE crs ILS	84	2 5	2,400												
	Int. S crs San Antonio LFR and SW crs ILS	Int. E crs San Antonio LFR and NE crs ILS	31	4 5	2,200												
SANTA BARBARA, CALIF Santa Barbara Airport Freq. 108.3 mc Ident SBA	Santa Barbara LFR**	LMM	73	1 6	4,000	W 73° 253	2 000'—S side W crs@	720@ (over Santa Barbara LFR	(***)	(***)	2.2 (from Santa Barbara LFR)		14	R S+ A T	700 #500 800 300	2 0 1 0 2 0 1 0	Climb straight ahead to 800', make right climbing turn and climb to 4,000' on crs of 105° from LMM within 20 mi, or as directed by ATC. *1,500' terrain within 4 mi N of localizer crs. All maneuvering must be done on S side of crs ** Approach may be started westbound from Santa Barbara LFR. ***This procedure not premised on use of the glide path. #If Santa Barbara LFR not operating, 700-1 required. @Final approach from El Capitan FM authorized provided acft is on top with tops not exceeding 3 600', and is aligned on localizer crs eastbound. +Runway 7. CAUTION: Terrain above flight altitude paralleling final approach crs on N. 334° mag radio masts 1 mi SE of arpt @Deviation from standard criteria authorized
	El Capitan FM	W crs ILS	73	0 0	5 000##												

These procedures shall become effective upon publication in the FEDERAL REGISTER

(Sec 205, 63 Stat 984, as amended; 49 U S C 425 Interpret or apply sec 601 52 Stat. 1007, as amended; 49 U S C 551)

[SEAL]

F B LEE,
Acting Administrator of Civil Aeronautics

[F R Doc 52-13681; Filed, Jan 2, 1953; 8:45 a m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

AREAS COVERED; HOUSEBOATS

The Secretary of the Army having determined that the use of the following named six reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir areas for their primary purpose, hereby prescribes rules and regulations for the public use of the San Angelo, Dam B, Whitney, and Grapevine Reservoir Areas, Texas, and for the Enid and Grenada Reservoir Areas, Mississippi, and prohibits the placing of house-boats on the waters of the San Angelo, Dam B, Whitney and Grapevine Reservoir Areas, Texas, pursuant to the provisions of section 4 of the Flood Control Act of 1946 (60 Stat. 642) as follows:

New paragraphs (oo), (pp), (qq), (rr), (ss) and (tt) are added to § 311.1 and new subparagraphs (20), (21), (22) and (23) are added to paragraph (a) of § 311 4, as follows:

§ 311 1 *Areas covered* * * *

(oo) San Angelo Reservoir Area, North Concho River, Texas

(pp) Dam B Reservoir Area, Neches River, Texas

(qq) Whitney Reservoir Area, Brazos River, Texas

(rr) Grapevine Reservoir Area, Denton Creek, Texas

(ss) Enid Reservoir Area, Yocona River, Mississippi

(tt) Grenada Reservoir Area, Yalobusha and Skuna Rivers, Mississippi

§ 311 4 *Houseboats* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311 1, except for the following reservoir areas on which houseboats are prohibited:

* * * * *

(20) San Angelo Reservoir Area, North Concho River, Texas

(21) Dam B Reservoir Area, Neches River, Texas

(22) Whitney Reservoir Area, Brazos River, Texas.

(23) Grapevine Reservoir Area, Denton Creek, Texas.

* * * * *

[Regs., Dec. 9, 1952—ENGWO] (60 Stat. 642; 16 U. S. C. 460d)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-4; Filed, Jan. 2, 1953; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter D—Domestic Mail Matter

PART 34—CLASSIFICATION AND RATES OF POSTAGE

SURCHARGE RATE ON CERTAIN FOURTH-CLASS MAIL

The Interstate Commerce Commission having been requested on October 13, 1950, pursuant to the provisions of law (Chapter IV of the Supplemental Appropriation Act, 1951, approved September 27, 1950, 64 Stat. 1050, 31 U. S. C. 695, and section 207, act of February 28, 1925, as amended, 39 U. S. C. 247) to consent to the establishment of certain rate increases and other reformations applicable to fourth-class mail, including surcharge rates, subject to specific maxima, for parcels carried outside of mail sacks as the Post Office Department may establish at its discretion as experience and investigation demonstrate the extent to which they are justified, such consent having been given by the Interstate Commerce Commission in its decision dated May 11, 1951, Docket No. 30690 (280 I. C. C. 703) and it having been found after investigation and study that a surcharge rate for parcels carried outside of mail sacks is justified and necessary, it is hereby ordered that, effective April 1, 1953, § 34.76 *Fourth-class postage rates by zones* of Title 39, Code of Federal Regulations, as amended (16 F R. 5278) is further amended by the addition of a new paragraph (e) to read as follows:

(e) *Surcharge rate on certain fourth-class mail.* (1) There shall be an extra postage charge (surcharge) of 20 cents, in addition to the postage chargeable at the regular zone rates and also in addition to the charge for any special service such as insurance, C. O. D., special handling or special delivery, on parcels of fourth-class mail which because of their weight, size, form or nature of their contents are handled and transported outside of mail sacks, except on parcels mailed for local delivery catalogs, and on parcels of books, library books, and publications or records furnished to a blind person mailed at the postage rate established by the act of April 15, 1937 (39 U. S. C. 293c)

NOTE: For partial list of parcels requiring handling outside of mail sacks see § 35.29 (d), and for instructions regarding acceptance and marking or labeling of such parcels see § 35.11a, of this subchapter.

(2) Parcels upon which the surcharge is required and paid are not entitled to any other special service unless the regular fee, in addition to the surcharge and postage, is paid therefor. It is not contemplated that mailers may obtain outside handling of parcels which can properly be handled in mail sacks merely by paying the surcharge.

(3) The surcharge shall be paid in the same manner as regular postage is paid, either by postage stamps or under the meter or nonmetered permit method.

(4) No endorsement need be placed on "outside" parcels to show that payment of the surcharge is included in the postage affixed thereto. However, instructions relative to the labeling or marking of some types of parcels to indicate that they require outside handling shall be followed.

(5) The surcharge for fourth-class matter handled outside of mail sacks is not applicable to air parcel post articles or articles of any other class of mail.

(6) Payment of an additional surcharge is not required on "outside" parcels forwarded or returned to sender.

(7) Among the types or kinds of parcels to which the surcharge shall apply are those parcels or articles regardless of their weight or size which because of their nature or condition cannot be safely handled inside of mail sacks without damaging them or other mail matter, including, but not limited to the following:

(i) *Size.* (*a*) Parcels exceeding 32 inches in length, or 56 inches in girth, or 84 inches in length and girth combined; also articles such as automobile tires, bicycle wheels, and wire, rope, garden hose and similar items in the form of coils too large or otherwise unsuitable for handling in mail sacks with other parcels.

(*b*) Umbrellas, canes, maps, levels and similar nonfragile articles over 32 inches in length.

(*c*) Fluorescent tubes, narrow glass shelves, candles and similar fragile articles over 25 inches in length.

(*d*) Window or picture glass, or mirrors, or similar articles with wide expanse of glass measuring over 12 x 16 inches (192 square inches).

(*e*) Fragile phonograph records with 16-inch diameter or larger, and flexible phonograph records with 21-inch diameter or larger.

(ii) *Weight.* (*a*) Parcels weighing over 35 pounds.

(*b*) Wooden or metal cans or boxes weighing over 10 pounds.

(*c*) Small exceptionally heavy parcels (hardware, nuts, bolts, etc.) weighing over 15 pounds (Weight per cubic foot in excess of 60 pounds)

(iii) *Liquids.* Parcels containing nonhazardous liquids with total content in excess of 24 fluid ounces in glass container or containers, or one gallon or more in metal container or containers.

(iv) *Perishable.* (*a*) Eggs, day-old fowl, cut flowers, honey bees in cages, queen bees when 24 or more individual cages are fastened together to form one parcel, soft crabs, shellfish, soft fruits or soft berries.

(*b*) Alligators, frogs, baby turtles, chameleons and other mailable harmless live creatures during period from June 1 to September 30 of each year.

(v) *Hazardous.* Parcels required to have red or yellow caution label.

(vi) *Miscellaneous.* Matter which is not wrapped or boxed such as heavy castings, machinery parts, brooms, tubs, pails, baskets, hose reels and small stepladders.

(R. S. 161, 396, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247; Decision of the Interstate Commerce Commission, dated May 11, 1951, Docket No. 30690, 280 I. C. C. 703)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 53-14; Filed, Jan. 2, 1953; 8:49 a. m.]

Subchapter L—International Postal Service

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

EXPORT DECLARATIONS; JAPAN

a. In § 127.85 *Export declarations,* amend the first sentence of paragraph (h) to read as follows:

(h) In accordance with the export control regulations of the Office of International Trade, Department of Commerce, exporters of merchandise requiring individual export licenses must place the number of the license on the wrapper of each parcel or package, and surrender the license at the post office when the relative shipments are mailed.

b. In § 127.286 *Japan* make the following changes in paragraph (b) (4)

1. Amend subdivision (ii) (*b*) to read as follows:

(*b*) Gift parcels addressed to individuals are free of customs duty and taxes, provided (*1*) the parcel is plainly marked "Gift," (2) the contents consist solely of bona fide gifts for the addressee and his family, and (*3*) the value is estimated by the Japanese customs authorities at not more than 1,500 yen (about $4,20) and the duty if collected would not exceed 300 yen. Gift parcels sent to charitable institutions for relief purposes are likewise admitted free of duty.

2. Rescind subdivision (ii) (*c*)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 53-3; Filed, Jan. 2, 1953; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9991]

PART 3—RADIO BROADCAST SERVICES

CLASS IV STATIONS ON REGIONAL CHANNELS

In the matter of amendment of Part 3, Subpart A of the Commission's rules and regulations and Part I of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations to

eliminate provisions relating to the assignment of Class IV stations to regional channels; Docket No. 9991.

This proceeding involves a proposal to amend Part 3, Subpart A of the Commission's rules and regulations and Part I of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations to eliminate provisions relating to the assignment of Class IV stations to regional channels.

This proceeding was instituted by the issuance of a Notice of Proposed Rule Making on June 8, 1951 (16 F. R. 5658). Written comments in opposition to the proposed rules were filed by Wharton County Broadcasting Company, Incorporated (KULP) Elcampo, Texas, Triangel Broadcasting Co., (WAVL) Apollo, Pennsylvania, The KSOK Broadcasting Company (KSOK) Arkansas City, Kansas, and Paul F. Braden (WPFB) Middletown, Ohio.

Upon a careful consideration of the comments filed in this proceeding we are of the opinion that the proposed changes in the Commission's rules eliminating provisions or the operation of Class IV stations on regional channels should be adopted.

Pursuant to the mandate of the Communications Act of 1934, as amended, the Commission is charged with the responsibility of effecting a fair, efficient and equitable distribution of radio broadcast facilities. To accomplish that objective the Commission has promulgated rules and standards governing the allocation of broadcast facilities and the operation of broadcast stations. The rules and standards governing allocation of stations establish three classes of channels, namely, Clear, Regional and Local. Clear channels are intended primarily for use by 10 kilowatt to 50 kilowatt, Class I stations for the purpose of rendering primary and secondary service over extensive areas and at relatively long distances. Regional channels are intended for use by 500 watts to 5 kilowatt Class III stations for the purpose of rendering primary service to metropolitan districts and the rural areas contiguous thereto. Local channels are intended for use by 100 watt to 250 watt stations to render primary service only to a city or town and rural areas contiguous thereto. Basically the Commission's rules and Standards of Good Engineering Practice provide for the continued assignment of new stations to the various channels provided the interference to and from the assignment does not exceed certain values which delineate the border lines of objectionable interference. The guides and the criteria for determining objectionable interference are set forth with particularity in the Commission's rules and standards.

The foregoing plan for the allocation of broadcast channels, together with the standards for the assignment of particular stations to these channels are mutually dependent and operate together to achieve the statutory objectives of a broadcast service designed to meet the needs and demands in the United States for such service.

It is axiomatic that the addition of stations to any channel will increase the interference level on that channel and generally result in some degradation of the service of the stations already operating on that channel. The allocation plan operates to maintain the quality of service by providing a number of restrictive factors by which interference between stations is limited. Not the least important of these factors is the inherent characteristic of the rules and standards which limits the ultimate number of stations which may be assigned to any one broadcast channel. This limitation is achieved by the provisions against "objectionable" interference, by the provisions which set certain minimum standards of service for each of the several classes of stations and by the provisions with respect to maximum and minimum power that may be authorized for new or increased facilities.

Heretofore Commission rules have provided for the assignment of Class IV stations to regional channels subject to such interference as may be received from Class III stations and on condition that interference will not be caused to any Class III stations, and that the channel is used fully for Class III stations. The Commission's Standards of Good Engineering Practice have further provided a number of conditions which must obtain before such an assignment will be made.[1] Under the requirements of the rules and standards a limited number of Class IV assignments have been made.[2] It is clear, however, from the restrictive provisions of the rules and standards governing the assignment of Class IV stations to regional channels that such assignments have never been considered in keeping with the basic purpose of regional channels and that accordingly they may be made only on a secondary basis. These restrictions are responsible for the limited number of such assignments that have been made. The present rule was adopted at a time (1938) when it was impossible to foresee the extensive use of directional antennas that was to occur and the intensive use of each regional channel that would be made possible thereby. The possibility of the utilization of regional frequencies for Class IV assignments on a secondary basis has been so reduced by such intensive use of regional frequencies that the issue has, in large part, been rendered academic. Under such circumstances the Commission finds elimination of the rule advisable. We recognize that our rules and policies governing the assignment of stations for operation on regional channels must provide for some degree of flexibility in order to permit us to take into account the differing factual situations presented in individual applications and the rules do provide such flexibility in the provisions covering the assignment of regional stations to regional channels. In the light of the considerations set out in this opinion, we do not consider that the need for flexibility requires that we also permit the operation of Class IV stations on such channels.

It has been urged in this proceeding that the Commission should continue to authorize the operation of Class IV stations on regional channels and delete the requirement that an applicant for such facilities establish that economic support is not available for Class III stations and that a Class III station is impracticable from an engineering point of view. In support of this position it has been argued that the Commission may, on the basis of its experience, rely upon the potential broadcaster to seek full regional facilities in preference to lower powered local operation. It is argued that when an applicant seeks local use of a regional facility the Commission may be certain that the community in question will not support a possible regional operation or that a regional operation would be impractical for engineering reasons. As we have indicated, however, the assignment of stations with powers of less than 500 watts to regional channels is inconsistent with the Commission's basic allocation plan for the standard broadcast band and tends to result in an inefficient utilization of available frequencies. Accordingly, we do not believe that such assignments either on the basis that has been heretofore provided, or on the revised basis that was suggested herein, is desirable. Moreover, it has been our experience that the preference of an applicant for the use of a regional channel with a Class IV facility is not a reliable standard for the optimum use of broadcast facilities. On the contrary, applicants have repeatedly urged that the increment of coverage resulting from the operation of full regional facilities was not justified by the additional expense required by such an operation as compared to the low powered Class IV operation on a regional frequency.

It has also been urged that the revision of the rules proposed herein is inconsistent with the established policy of assigning daytime only stations to regional channels. This argument, however, fails to take into consideration basic differences between the daytime and nighttime propagation characteristics of electromagnetic waves in the standard broadcast band. Stations operating at night constitute a potential source of interference hundreds of miles farther than daytime stations. Consequently, many more stations may be allocated to a

[1] The Standards of Good Engineering Practice Concerning Standard Broadcast Stations provide in part that the assignment of a Class IV to a regional channel will be made only when it is shown, among other things, that:

(1) There are no other transmission facilities in the town or towns in the proposed area;

(2) There is no local channel assignment available for that area;

(3) Adequate economic support is not available for a Class III station;

(4) It is not practical from an engineering point of view to establish a Class III station and it would not prevent the establishment of a Class III station on that channel or an adjacent channel.

[2] There were 20 Class IV stations assigned to regional channels as of the date of the notice announcing the proposed rule change.

particular channel daytime than at night. Indeed, the efficient use of regional channels requires that daytime only stations be authorized. It does not follow that the minimum standards for the use of regional channels must be lowered so as to accommodate operation by Class IV stations.

It has been argued that the rules and Standards of Good Engineering Practice should be amended to afford the same nighttime protection to Class IV stations operating on regional channels as is afforded Class III stations. This proposal is clearly without merit. Class IV stations have heretofore been authorized for operation on regional channels subject to the rigid limitations set forth above, subject further to the provision that Class IV stations on regional channels are not entitled to protection from Class III stations. Class IV stations were permitted to operate on regional channels subject to such severe limitations and to interference for the reason that it was recognized that such operations render only a marginal service. The proposal to afford protection to Class IV stations operating on regional channels from interference from Class III stations would result in a curtailment of future assignment of Class III stations.

It is also argued that the Commission's position favoring the adoption of an international policy in the new North American Regional Broadcasting Agreement affording protection to Class IV stations on regional channels is inconsistent with the rules proposed herein. Under the provisions of the recently expired North American Regional Broadcasting Agreement and the provisions of the proposed agreement the United States agreed to the limited allocation of Class IV stations on regional channels. However, since international agreements are based upon negotiation between sovereign countries upon the basis of the different needs of such countries, it does not follow at all that the provisions of the international agreement just referred to make a domestic rule permitting assignment of Class IV stations to regional channels mandatory. Within the limits provided by international agreement we could decide as a matter of domestic policy to permit Class IV operation on regional channels without violating international obligations. But we are not required to do so and, for the reasons indicated elsewhere in this opinion, we have concluded that as a matter of public policy we should not permit such operation.

Finally it has been argued that a Class IV operation may be capable of rendering service to more persons than a similarly situated 500 watt operation with a directional antenna on a regional channel. The data offered in support of this conclusion we find inconclusive. In any event in view of the considerations set forth above which clearly indicate that the operation of a Class IV station on a regional channel is inconsistent with the Commission's plan of allocation and results in an inefficient utilization of broadcast frequencies, we find this objection without merit.

In accordance with the view expressed in certain of the comments filed in the proceeding, applications which are on file with the Commission prior to December 18, 1952, the date of the adoption of this Report and Order will be determined on the basis of the provisions of the rules and standards existing at the time the Notice of Proposed Rule Making was issued. All applications filed subsequent to the above date will be considered in the light of the rules as amended herein.

In view of the foregoing it is ordered that Subpart A of Part 3 of the Commission's rules and Part 1 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Adopted: December 18, 1952.

Released: December 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Delete present § 3.29 and substitute the following therefor:

§ 3.29 *Class IV stations on regional channels.* No license will be granted for the operation of a Class IV station on a regional channel: *Provided, however,* That (a) Class IV stations presently authorized to operate on regional channels will not be required to change frequency or power but will not be protected against interference from Class III stations and that (b) applications for Class IV assignments on regional channels which were on file prior to December 18, 1952, may be granted on condition that interference will not be caused to any Class III station [9b] and that the Class IV station will be subject to such interference as it may receive from Class III stations.

2. Amend section 1 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations as follows:

(a) Delete seventh paragraph thereof and substitute the following:

Class IV stations operate on local channels normally rendering primary service only to a city or town and the suburban and rural areas contiguous thereto with powers not less than 0.1 kw or more than 0.25 kw. These stations are normally protected to 500 uv/m ground wave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. The actual nighttime limitation will be calculated.

(b) Delete footnote 6 from Table IV thereof.

[F. R. Doc. 53-27; Filed, Jan. 2, 1953; 8:54 a. m.]

[9b] The assignment of a Class IV station to a regional channel normally is not considered as making the best usage of the assignment and will be made only when it is shown among other things that—

(1) There are no other transmission facilities in the town or towns in the proposed service area.

(2) There is no local channel assignment available for that area.

(3) Adequate economic support is not available for a Class III station.

(4) It is not practical from an engineering point of view to establish a Class III station and it would not prevent the establishment of any Class III station on that channel or an adjacent channel.

[Docket No. 10275]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

DELETION OF CERTAIN FREQUENCIES NOW SHOWN AS ASSIGNABLE

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete certain frequencies now shown as assignable for coast or ship telegraph stations on the Inland Waterways; Docket No. 10275.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of December 1952:

The Commission having under consideration its proposals in the above-entitled matter; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 6, 1952 (17 F R. 7153) and that the period provided for the filing of comments has now expired;

It further appearing, that no objections to the proposed amendments have been filed; and,

It further appearing, that the proposed amendments are issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective February 2, 1953, Parts 7 and 8 of the Commission's rules are amended as set forth below:

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 7.206 (a) as follows:

a. Delete from the list of assignable frequencies the following frequencies in kc:

[s] 2274	6380
[s] 3030	[s] 8570
6330	

b. In the list of assignable frequencies add the phrase "Not available inland waters or Great Lakes" following the frequencies:

5520 calling	11040 calling

2. Amend § 7.206 (b) by deleting subparagraphs (3) and (4) and delete the frequency 8570 in subparagraph (5)

3. Amend § 8.321 (a) (1) by deleting the following from the list of assignable frequencies (kc)

[1] 2274 [1] 3030

4. Amend § 8.321 (b) by deleting subparagraphs (5) and (6)

[F. R. Doc. 53-28; Filed, Jan. 2, 1953; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

FORM PRESCRIBED FOR ANNUAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of December A. D. 1952.

The matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers being under consideration, and the changes in existing regulations to be effectuated by this order being only minor changes with respect to the data to be furnished, public rule-making procedures are unnecessary.

It is ordered, that the order of October 11, 1945, in the matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers be, and it is hereby modified with respect to annual reports for the year ended December 31, 1952, and subsequent years, as follows:

§ 205.1 *Form prescribed for annual reports.* Each Class I Common and Contract Motor Carrier of Property and each Class I Common and Contract Motor Carrier of Passengers shall file under oath an annual report for the year ended December 31, 1952, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A (Class I Motor Carriers of Property and Passengers) [1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Accounts and Cost Finding, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

NOTE: Budget Bureau No. 60-R052.9.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, Division 1.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-49; Filed, Jan. 2, 1953; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Parts 29, 40]

INCOME AND EXCESS PROFITS TAXES; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941, AND ENDING AFTER JUNE 30, 1950, RESPECTIVELY

DISALLOWANCE OF SURTAX EXEMPTION AND MINIMUM EXCESS PROFITS CREDIT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM, *Acting Commissioner of Internal Revenue.*

DECEMBER 29, 1952.

In order to conform Regulations 111 (26 CFR Part 29) and Regulations 130 (26 CFR Part 40) to section 15 (c) of the Internal Revenue Code, as added by section 121 (f) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. The following is inserted immediately after § 29.15-1.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(f) *Amendment of section 15.* Section 15 (relating to surtax on corporations) is hereby amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

* * * * *

(c) *Disallowance of surtax exemption and minimum excess profits credit.* If any corporation transfers, on or after January 1, 1951, all or part of its property (other than money) to another corporation which was created for the purpose of acquiring such property or which was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor corporation or its stockholders, or both, are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then such transferee corporation shall not for such taxable year (except as may be otherwise determined under section 129 (b)) be allowed either the $25,000 exemption from surtax provided in subsection (b) or the $25,000 minimum excess profits credit provided in the last sentence of section 431, unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer. For the purposes of this subsection, control means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote or at least 80 per centum of the total value of shares of all classes of stock of the corporation. In determining the ownership of stock for the purpose of this subsection, the ownership of stock shall be determined in accordance with the provisions of section 503, except that constructive ownership under section 503 (a) (2) shall be determined only with respect to the individual's spouse and minor children. The provisions of section 129 (b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this subsection, be applicable to this subsection. This subsection shall not apply to any taxable year with respect to which the tax imposed by subchapter D of this chapter is not in effect.

SEC. 125. EFFECTIVE DATE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (sections 121 to 125, inclusive) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951 * * * For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

§ 29.15-2 *Disallowance of surtax exemption and minimum excess profits credit*—(a) *In general.* If one corporation transfers after December 31, 1950, all or part of its property (other than money) to another corporation, neither the $25,000 exemption from surtax provided in section 15 (b) nor the $25,000 minimum excess profits credit provided in section 431 shall be allowed the transferee if—

(1) The transferee was created for the purpose of acquiring such property, or

(2) The transferee was not actively engaged in business at the time of the acquisition, and

(3) After such transfer the transferor or its stockholders, or both, are in control of the transferee during any part of the taxable year of the transferee,

unless—

(4) The transferee establishes by the clear preponderance of the evidence that the securing of either such exemption or such credit or both was not a major purpose of such transfer, or

(5) The Commissioner allows such exemption or such credit pursuant to the authority provided in section 15 (c) and section 129 (b)

(b) *Purpose of section 15 (c)* (1) The purpose of section 15 (c) is to prevent avoidance or evasion of the surtax on corporation surtax net income imposed by section 15 (b) or of the excess profits tax imposed by section 430. It is not intended, however, that section 15 (c) be interpreted as delimiting or abrogating any principle of law established by judicial decision, or any existing provisions of the Internal Revenue Code, such as sections 45 and 129, which have the effect of preventing the avoidance or evasion of income or excess profits taxes. Such principles of law and such pro-

[1] Filed as part of the original document.

visions of the Code, including section 15 (c) are not mutually exclusive, and in appropriate cases they may operate together or they may operate separately.

(2) The provisions of section 129 (b) and the authority of the Commissioner thereunder, to the extent not inconsistent with the provisions of section 15 (c) are applicable to cases covered by section 15 (c) Pursuant to the authority provided in section 129 (b) the Commissioner may allow to the transferee any part of a surtax exemption or minimum excess profits credit for a taxable year for which such exemption or credit would otherwise be disallowed under section 15 (c) or he may apportion such exemption or credit among the corporations involved (see § 29.129–4). For example, Corporation A transfers on January 1, 1952, all its property to Corporations B and C in exchange for all the stock of such corporations. Immediately thereafter, Corporation A is dissolved and its stockholders become the sole stockholders of Corporations B and C. Assuming that Corporations B and C are unable to establish by a clear preponderance of the evidence that the securing of the surtax exemption provided in section 15 (b) or the minimum excess profits credit provided in section 431, or both, was not a major purpose of the transfer, the Commissioner, nevertheless, has authority under sections 15 (c) and 129 (b) to allow one such exemption and credit and to apportion such exemption and credit between Corporations B and C.

(3) For the purpose of section 15 (c) and this section, a corporation maintaining an office for the purpose of preserving its corporate existence is not considered to be "actively engaged in business" even though such corporation may be deemed to be "doing business" for other purposes. Similarly, for the purpose of section 15 (c) and this section, a corporation engaged in winding up its affairs, prior to an acquisition to which section 15 (c) is applicable, is not considered to be "actively engaged in business"

(c) *Meaning and application of the term "control"* For the purpose of section 15 (c) and this section, the term "control" means the ownership of stock possessing either (1) at least 80 percent of the total combined voting power of all classes of stock entitled to vote, or (2) at least 80 percent of the total value of shares of all classes of stock of the corporation. In determining whether stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote is owned, all classes of such stock shall be considered together; it is not necessary that 80 percent of each class of voting stock be owned. Likewise, in determining whether stock possessing at least 80 percent of the total value of shares of all classes of stock is owned, all classes of stock of the corporation shall be considered together; it is not necessary that 80 percent of the value of shares of each class be owned. The fair market value of a share shall be considered as the value to be used for the purpose of this computation. The ownership of stock shall be determined in accordance with the provisions of section 503 and the regulations thereunder, except that constructive ownership under section 503 (a) (2) shall be determined only with respect to the individual's spouse and minor children. Thus, in addition to stock held directly or under an option to purchase, an individual is deemed to own stock held directly or indirectly by or for his spouse or minor children, and also to own a porportionate part of the stock owned by a corporation, partnership, estate, or trust in which he holds an interest as a shareholder, partner, or beneficiary. Disallowance of the exemption and credit under section 15 (c) is not limited to the taxable year of the transferee corporation in which the transfer of property occurs. Section 15 (c) provides for the disallowance of the exemption and credit for the taxable year in which the transfer of property occurs or any subsequent taxable year of the transferee corporation, if, during any part of such year, the transferor corporation or its stockholders, or both, are in control of the transferee corporation. Thus, if Corporation D on January 1, 1951, transfers a part of its property to Corporation E, a corporation not actively engaged in business at the time of such transfer, in exchange for 60 percent of the voting stock of Corporation E, and, thereafter, during a later taxable year with respect to which section 15 (c) is applicable, acquires an additional 20 percent of the voting stock of Corporation E, Corporation D, by reason of such later acquisition, is considered to be in control of Corporation E as of the time of such acquisition for the purpose of section 15 (c) Accordingly, Corporation E will be disallowed the surtax exemption and minimum excess profits credit for the taxable year in which the later acquisition of stock occurred and for each taxable year thereafter in which the requisite control continues, unless Corporation E establishes by the clear preponderance of the evidence that the securing of such exemption or credit, or both, was not a major purpose of the transfer of the property in 1951. In determinging, for the purpose of section 15 (c) whether a corporation, its stockholders, or both, are in control of a transferee corporation, it is not necessary that the stock be acquired on or after January 1, 1951. Thus, if Corporation F on June 1, 1950, owns 70 percent of the voting stock of Corporation G, and, thereafter, on January 2, 1951, Corporation F acquires an additional 10 percent of such stock, control within the meaning of section 15 (c) is acquired by Corporation F on January 2, 1951.

(d) *Nature of transfer* A transfer made by any corporation of all or part of its assets, whether or not such transfer qualifies as a reorganization under section 112 (g) is within the scope of section 15 (c) except that section 15 (c) does not apply to a transfer of money only. The exception shall apply only if the transaction is in substance a transfer of money. For example, if Corporation A transfers to new Corporation B cash in exchange for the stock of Corporation B, and, as part of the same transaction, Corporation B purchases a part of Corporation A's assets, the transfer to Corporation B is in substance one of property other than money, and section 15 (c) shall be applicable.

(e) *Purpose of transfer* In determining, for the purpose of section 15 (c), whether the securing of the exemption from surtax or the minimum excess profits credit constituted "a major purpose" of the transfer, all circumstances relevant to the transfer shall be considered. For disallowance of the surtax exemption and minimum excess profits credit under section 15 (c), it is not necessary that the obtaining of either such credit or exemption or both have been the sole or principal purpose of the transfer of the property. It is sufficient if it appears, in the light of all the facts and circumstances, that the obtaining of such exemption or credit, or both, was one of the important considerations that prompted the transfer. Thus, the securing of the surtax exemption or the minimum excess profits credit may constitute "a major purpose" of the transfer, notwithstanding that such transfer was effected for a valid business purpose and qualified as a reorganization within the meaning of section 112 (g) The taxpayer's burden of establishing by the clear preponderance of the evidence that the securing of either such exemption or credit or both was not "a major purpose" of the transfer may be met only by a showing that the obtaining of such exemption, or credit, or both, was an incidental factor in relationship to the other consideration or considerations which prompted the transfer.

(f) *Taxable years to which applicable.* Section 15 (c) and this section are applicable to a taxable year which is the calendar year 1951 and to taxable years beginning after March 31, 1951, however, such sections do not apply to any taxable year with respect to which the excess profits tax imposed by subchapter D of chapter 1 of the Internal Revenue Code is not in effect. For treatment of taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For treatment of taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9. For treatment of the disallowance of the $25,000 minimum excess profits credit under section 15 (c) in computing the excess profits tax for certain fiscal years, see § 40.430–2 (b) (2) and (c) of Regulations 130.

PAR. 2. Section 29.15–1, as amended by Treasury Decision 5950, approved December 2, 1952, is further amended by adding at the end of paragraph (b) (3) of the section the following: "See, however, § 29.15–2, as to the circumstances under which the $25,000 exemption from surtax for the calendar year 1951 and certain taxable years beginning after March 31, 1951, may be disallowed in whole or in part."

PAR. 3. Section 29.204–1, as amended by Treasury Decision 5950, is further amended by adding after the seventh sentence of paragraph (c) of the section the following: "For the circumstances

under which the $25,000 exemption from surtax for the calendar year 1951 and certain taxable years beginning after March 31, 1951, may be disallowed in whole or in part, see § 29.15–2."

PAR. 4. Section 29.231–1, as amended by Treasury Decision 5950, is further amended by adding at the end of paragraph (b) (3) of the section the following: "See, however, § 29.15–2, as to the circumstances under which the $25,000 exemption from surtax for the calendar year 1951 and certain taxable years beginning after March 31, 1951, may be disallowed in whole or in part."

PAR. 5. Section 40.431–1 is amended by adding at the end thereof the following: "See, however, section 15 (c) and the regulations thereunder, as to the circumstances under which the $25,000 minimum excess profits credit may be disallowed in whole or in part in the case of transfers of property (other than money) on or after January 1, 1951, between related corporations. For treatment of taxable years beginning before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 40–430–2 (b) (2) For treatment of taxable years beginning before July 1, 1953, and ending after June 30, 1953, see § 40.430–2 (c) "

[F. R. Doc. 53–26; Filed, Jan. 2, 1953; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATER TELEVISION SERVICE

EXTENSION OF TIME FOR FILING LIST OF WITNESSES, SUMMARY OF TESTIMONY AND EXHIBITS

In the matter of allocation of frequencies and promulgation of rules and regulations for a theater television service; Docket No. 9552.

On November 12, 1952, the Commission adopted an order in the theater television proceeding requiring all parties to file with the Commission, on or before December 22, 1952, 18 copies of each exhibit it planned to offer at the further session of this hearing scheduled for January 26, 1953, and to serve copies of such exhibits on other parties to the proceeding on or before December 22, 1952. That order of the Commission likewise required parties to file lists of witnesses and summaries of testimony each witness would present on or before December 22, 1952.

The Commission has received requests from various parties to this proceeding for an extension of time to file the above-described material and to exchange exhibits with other parties.

Therefore, the Commission hereby gives notice that the time for filing exhibits, lists of witnesses, summaries of testimony and for exchanging exhibits with other parties is extended to January 12, 1953. The procedure to be followed in filing this material is set forth in the Commission's order of November 12, 1952, and in its Notice of Parties Who Have Filed Appearances issued December 12, 1952.

Adopted: December 18, 1952.

Released: December 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. W. SLOWIE,
Secretary.

[F. R. Doc. 53–34; Filed, Jan. 2, 1953; 8:56 a. m.]

[47 CFR Parts 2, 6, 10, 11, 16]

[Docket No. 10315]

DOMESTIC FIXED PUBLIC SERVICE

ASSIGNMENT OF FREQUENCIES TO OPERATIONAL FIXED STATIONS AND FIXED STATIONS

In the matter of a new policy to govern the assignment of frequencies in the band 72–76 Mc to operational fixed stations and fixed stations in the domestic fixed public service; Docket No. 10315.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of December 1952;

The Commission having under consideration its notice of proposed rule making adopted September 3, 1952, in this proceeding, and the extension of time for filing comments thereupon, adopted October 23, 1952, and information that an additional 60 days in which to file comments would enable certain interested parties to comment upon this matter; and

It appearing that such comments may be valuable to the Commission in reaching an ultimate determination of the matter; and

It further appearing, that an extension of time in which to file comments on the notice of proposed rule making for 60 days would not unreasonably delay the proceedings under the circumstances;

It is ordered, That the period in which any interested party, who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth in the notice of proposed rule making adopted September 3, 1952, in this proceeding, may file a written statement or brief setting forth his comments is hereby extended to February 20, 1953.

Released: December 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–33; Filed, Jan. 2, 1953; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE-SPACE RESTORATION ORDER NO. 494

DECEMBER 12, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3) of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284) as amended, the 80-rod shore-space reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land located on Tongass Narrows, Alaska, identified as Lot 42, U. S. Survey No. 2603, containing approximately 3.2 acres (Homesite application of Robert W. Hadman, Anchorage 021702).

A tract of land located on Favorite Channel, Alaska, identified as Lot 9, U. S. Survey No. 3058, containing approximately 0.36 acre. (Homesite application of Maurice Haas, Anchorage 022020).

A tract of land located on Lena Cove, Alaska, identified as Lot 9, U. S. Survey No. 3055, containing approximately 0.60 acre (Homesite application of Carl A. Bloomquist, Anchorage 022052).

A tract of land located on Shelter Cove, Alaska, identified as Tract B, U. S. Survey No. 2327, containing approximately 4.41 acres (Homesite application of Manuel S. Soares, Anchorage 022390).

A tract of land located on Shelter Cove, Alaska, identified as Tract F, U. S. Survey No. 2327, containing approximately 1.02 acres (Homesite application of Frank Lauth, Anchorage 022477).

A tract of land located on Tongass Narrows, Alaska, identified as Lot 133, U. S. Survey No. 3090, containing approximately 0.68 acre (Homesite application of Edward Burns, Anchorage 022076).

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 53–35; Filed, Jan. 2, 1953; 8:56 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 495

DECEMBER 12, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372) and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, ap-

proved by the Acting Secretary of the Interior August 20, 1951 (16 F R. 8625) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order:

FAIRBANKS LAND DISTRICT

FAIRBANKS MERIDIAN

T. 4 S., R. 4 E.,
Section 32, Lot 3.

Containing 38.34 acres.

At the hour and date specified, the lands restored by this order shall, subject to valid existing rights, be opened to settlement under the homestead laws and the Homesite Act of May 26, 1934 (49 Stat. 809; 48 U. S. C. 461) only, and to that form of appropriation only by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Commencing at 10:00 a. m. on the 112th day after the date of this order, any of the lands not settled upon by veterans shall become subject to settlement and other form of appropriation by the public generally in accordance with the appropriate laws and regulations.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 53-36; Filed, Jan. 2, 1953; 8:57 a. m.]

Bureau of Reclamation

[Public Announcement 11]

COLUMBIA BASIN PROJECT, WASHINGTON

SALE OF PART-TIME FARM UNITS

DECEMBER 10, 1952.

Columbia Basin Project, Washington, East Columbia Basin Irrigation District; public announcement of the sale of part-time farm units.

LANDS COVERED

SECTION 1. *Offer of part-time farm units for sale.* It is hereby announced that certain part-time farm units in the East Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase part-time farm units may be submitted beginning at 2 p. m., January 2, 1953.

The part-time farm units to which this announcement pertains are described as follows:

a. Part-time farm units in Irrigation Block 41, Columbia Basin Project, Grant County, Washington, available to veterans:

Part-time farm unit No.	Total acreage	Tentative irrigable acreage	Price	Estimated cost, special distribution system
159	4.92	3.92	$500	$1,233.10
160	4.92	4.54	500	1,367.30
162	4.94	4.80	500	1,423.58
163	9.30	5.58	350	1,592.41
164	3.07	1.66	250	743.93
166	2.70	1.48	250	704.97
167	.69	.58	100	510.16
169	.69	.58	100	510.16
170	1.99	1.61	250	733.10
171	.69	.58	100	510.16
172	1.20	1.07	200	616.22
173	1.35	1.24	200	653.02
175	.95	.84	200	566.44
176	.88	.77	200	551.29
177	.82	.71	200	538.30
179	.69	.58	200	510.16
180	.66	.54	250	501.50
181	.64	.51	250	495.01
183	1.39	.99	350	598.91
184	.91	.82	350	562.11
186	.95	.86	350	570.77
187	.98	.89	350	577.26
188	1.00	.91	350	581.59
190	1.04	.95	350	590.25
191	1.06	.97	350	594.58
192	.83	.75	300	546.96
194	1.08	.99	350	598.91
195	1.08	.99	350	598.91
196	1.62	1.48	300	704.97
198	1.62	1.48	300	704.97
199	1.59	1.45	300	698.47
200	1.98	1.57	350	724.45
201	1.72	1.41	350	689.81
203	2.00	1.33	350	672.50
204	4.38	3.93	500	1,235.27
205	4.38	3.93	500	1,235.27
207	3.65	3.28	500	1,094.58
208	3.65	3.28	500	1,094.58
209	4.08	3.85	550	1,217.95

b. Part-time farm units in Irrigation Block 41, Columbia Basin Project, Grant County Washington, available to applicants not entitled to veterans preference:

Part-time farm unit No.	Total acreage	Tentative irrigable acreage	Price	Estimated cost, special distribution system
161	4.92	4.54	$500	$1,367.30
165	.69	.58	100	510.16
168	2.34	1.50	250	709.30
174	1.01	.90	200	579.42
178	.76	.65	200	525.31
182	.96	.65	275	525.31
185	.93	.84	350	566.44
189	1.02	.93	350	585.92
193	1.08	.99	350	598.91
197	1.62	1.48	300	704.97
202	1.72	1.49	350	707.13
206	3.65	3.28	500	1,094.58
210	7.76	6.87	600	1,871.63

The official plat of Irrigation Block 41 is on file in the office of the County Auditor, Grant County, Ephrata, Washington, and copies are on file in the office of the Bureau of Reclamation at Ephrata, Washington, and the regional office at Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* With certain minor exceptions, not more than one full-time or part-time farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband and wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCES OF APPLICANTS

SEC. 3. *Preference right of veterans.* A preference right to purchase the part-time farm units described in subsection 1. a. above, representing 75 percent of the total number of units offered for sale by this announcement, will be given to veterans (and in some cases to their husbands or wives or minor children) who submit applications during a 45-day period beginning at 2 p. m., January 2, 1953, and ending at 2 p. m., February 16, 1953, and who at the time of making application are within one of the five following classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and July 3, 1952 inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in said Army, Navy, Marine Corps, Air Force, or Coast Guard during the period prescribed in subsection a. above, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 8 of this announcement regarding provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death resulted from wounds received or disability incurred in the line of duty while serving in said Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. above, or, in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement. Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

SEC. 5. *Preference rights of persons not establishing veterans preference.* A preference right to purchase the part-

time farm units described in subsection 1.b. above, representing 25 percent of the total number of units offered for sale by this announcement, will be given to persons who do not claim veterans preference and who file applications during a 45-day period beginning at 2 p. m., January 2, 1953, and ending at 2 p. m., February 16, 1953.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 6. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of part-time farm units on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a part-time farm unit.

SEC. 7. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of part-time farm units. Applicants must meet these qualifications in order to be eligible for the purchase of part-time farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, and a record of good moral conduct.

b. *Capital.* An applicant must possess at least $1,500 in excess of liabilities. Assets included in this net worth must consist of cash or property or assets readily convertible into cash; values represented by household goods or passenger cars will not be recognized by the board unless the applicant states that he will convert such property into cash.

SEC. 8. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, an established farm unit or part-time farm unit on the Columbia Basin Project, Washington, and not own a total acreage of irrigable land in any Federal reclamation project which, together with the irrigable acreage of the part-time farm unit to be purchased, exceeds 160 acres at the time of execution of a contract for the purchase of a part-time farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 9. *Filing application.* Any person desiring to purchase a part-time farm unit offered for sale by this announcement must fill out the attached application form and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application forms may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application and the corroborating evidence to be submitted following the public drawing will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 10. *Priority of applications.* All applications will be classified for priority purposes as follows:

a. *First priority group.* All complete applications filed prior to 2 p. m., February 16, 1953, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second priority group.* All complete applications filed prior to 2 p. m., February 16, 1953, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third group.* All complete applications filed after 2 p. m., February 16, 1953. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 11. *Public drawings.* After the priority classification, the board will conduct public drawings of the names of the applicants in each of the first two priority groups as defined in section 10 of this announcement. Applicants need not be present at the drawings to participate therein. The names of the applicants shall be drawn and numbered consecutively as drawn for the purpose of establishing the order in which the applications will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawings, the board shall notify each applicant of his respective standing as a result of the drawings.

SEC. 12. *Submission of corroborating evidence.* After the drawings, a sufficient number of applicants, in the order of their priority as established by the drawings, will be supplied with forms on which to submit additional information corroborating their statements made in the application blank, and showing that they meet the qualifications set forth in sections 7 and 8 of this announcement. In case veterans preference is claimed, they will be required to submit proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 13. *Examination and interview.* After the information outlined in section 12 of this announcement has been received or the time for submitting such statements has expired, the board shall examine, in the order drawn, a sufficient number of applications, together with the corroborating evidence submitted to determine the applicants who will be permitted to purchase part-time farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a part-time farm unit; and (c) affording the applicant an opportunity to examine the part-time farm units.

If any applicant fails to appear before the board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawings.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the part-time farm units available then for purchase. Such notice will require the applicant to make a field examination of the part-time farm units available to him and in which he is interested, to select a farm unit, and to notify the board of such selection within the time specified in the notice.

SELECTION OF PART-TIME FARM UNITS

SEC. 14. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a part-time farm unit will successively exercise the right to select a part-time farm unit in accordance with the priorities established in the two priority groups by the drawings. If a part-time farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase contract, it will be offered to the next qualified applicant in the same priority group who has not made a selection at the time the part-time farm unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective but if such action of the board is upheld by the Regional Director, the part-time farm unit selected by the applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any part-time farm units that are available to either of the priority groups remain unselected after all qualified applicants in that group have had an opportunity to select, such units shall be made available to qualified applicants remaining in the other priority group.

Any part-time farm units remaining unselected after all qualified applicants in both priority groups have had an opportunity to select a part-time farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination by the board, made in accordance with the procedure prescribed for priority group applicants, that such applicants meet the minimum qualifications prescribed by this announcement.

If any part-time farm units offered by this announcement remain unselected for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 11 of this announcement.

SEC. 15. *Failure to select.* If any applicant refuses to select a part-time farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 16. *Execution of purchase contract.* When a part-time farm unit is selected by an applicant as provided in section 14 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice, the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the East Columbia Basin Irrigation District, or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager. (See section 20 of this announcement.)

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 17. *Terms of sale.* Contracts for the sale of part-time farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $100 to apply on the purchase price of the part-time farm unit as indicated in section 1 of this announcement will be required. Larger proportions or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder shall be payable within a period of 10 years following the date of the contract. The schedule of payments, which will be established by the District Manager, will provide for equal, annual payments to retire the principal with interest at 3 percent per annum. Payment of any or all installments, or any portion thereof, may be made without penalty before their due dates at the purchaser's option.

c. *Payment for special irrigation water distribution system.* The cost of the special irrigation water distribution system, constructed by the United States between the points of water delivery for part-time farm unit areas and each part-time farm unit in those areas, shall be repaid to the United States by the purchasers of the part-time farm units. The term "part-time farm unit area" means the area embracing one or more part-time farm units which are to be served by a single special irrigation water distribution system. This cost will be divided among the part-time farm units and the share of the cost so apportioned to any particular part-time farm unit will be included as a separate item in the total amount to be paid to the United States under the sales contract. The exact amount to be charged against each unit will be determined by the District Manager prior to execution of contracts by purchasers.

It is the policy to distribute against the units covered by this announcement the total cost of the special distribution systems, as determined at the time of the execution of the contracts. It is now believed that the estimated cost for each unit, as indicated in section 1 of this announcement, will prove to be adequate, but the amounts to be stated in the contracts may possibly be greater than the estimates to be consistent with the policy above stated.

The amount allocated to each part-time farm unit shall be paid with interest at 3 percent per annum according to a schedule established by the District Manager which will provide for 10 equal, annual installments that coincide with those established for payment of the remainder of the purchase price. Any of these payments may be made without penalty at an earlier date. In instances where the combined amount of the annual installment on the remainder of the cost of the land and the annual installments for the special irrigation distribution system is more than $50, the District Manager will establish schedules for semi-annual payments if the purchasers so desire.

d. *Operation and maintenance of the special irrigation distribution system.* The special irrigation water distribution system shall be operated and maintained by the collective action of purchasers within the part-time farm unit area served by that system. This shall be done through an organization acceptable to the board of directors of the East Columbia Basin Irrigation District and having authority to order and apportion, among the part-time farm units eligible to receive water, the water to be delivered and to collect as a minimum, the necessary costs of the operation and maintenance of the special irrigation water distribution system.

e. *Building requirements.* A primary objective of the United States in its part-time farm unit program is to bring about early development by the establishment of suitable dwellings on all units. To attain this objective, a purchaser shall be required to furnish evidence of substantial completion of a dwelling on the part-time farm unit within 18 months of the date of the sales contract or commencement on the part-time farm unit within that period of a dwelling which will be substantially completed within two and a half years from the date of the contract. If the dwelling is only started within the above said 18-month period, the District Manager may require assurance in writing from a reputable person or agency that the construction of a dwelling on the part-time farm unit to be substantially completed within the required time will be financed. If title to the part-time farm unit is desired before the dwelling is substantially completed, this assurance of financing will be required. The United States will if necessary, place the deed to the purchaser in escrow with an agent mutually agreeable to the parties to the contract upon condition that the deed be released to the purchaser or a person designated by the purchaser upon commencement of the construction of said dwelling. In extraordinary situations, the requirements concerning the completion date of the dwelling may be extended by the District Manager pursuant to his determination that such extension would be in the interest of the orderly development of the block, but in no case shall more than two extensions be made, neither of which shall exceed six months in length.

Dwellings, to meet the approval of the District Manager, shall be of long-lived materials, suitable for year-round occupancy and of attractive appearance. Unless these requirements are waived by the District Manager, dwellings shall be provided with domestic water piped in under pressure and sewage disposal facilities that meet the standards established by the Washington State Department of Health.

SEC. 18. *Copies of contract form.* The terms listed above, and all other standard contract provisions are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 19. *Water rental charges.* During the irrigation season of 1953, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 20. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the East Columbia Basin Irrigation District, the Secretary of the Interior will announce a development period of ten years for Irrigation Block 41, during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1953. During the development period, water rental charges for these part-time farm units will average an estimated $5.50 per irrigable acre per year. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, irrigation charges will be assessed each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing these charges: The present plans of the Regional Director are these:

a. It will be the policy of the United States to deliver water to each part-time farm unit area at one point.

b. An allotment of water will be determined for each part-time farm unit area receiving service through one turnout on the basis of the acreage of land in each water duty class in the area.

c. Charges will be fixed with the object each year of collecting the average estimated cost of operation and maintenance per irrigable acre multiplied by some factor determined to represent the additional costs resulting from the small size of part-time units.

In addition to the water rental charges, the Irrigation District will levy a charge to cover administrative costs and probable delinquencies in collections.

SEC. 21. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine.

b. *Construction charges.* The contract between the United States and the East Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

VERNON D. NORTHROP,
Under Secretary of the Interior

[F. R. Doc. 52-13684; Filed, Jan. 2, 1953; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-267]

ACCIDENT OCCURRING AT FALLON, NEVADA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 6904, which occurred at Fallon, Nevada, on December 7, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on January 12, 1953, at 9:00 a. m. (local time) in the Assembly Room, 14th Floor, City Hall Building, Kansas City, Missouri.

Dated at Washington, D. C., December 30, 1952.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 53-50; Filed, Jan. 2, 1953; 8:59 a. m.]

[Docket No. 4621]

ARTHUR J. BROWN ET AL.

NOTICE OF HEARING

In the matter of the application of Arthur J. Brown, an individual, ABC Freight Forwarding Corporation, a corporation, ABC Air Freight Co., Inc., a corporation, Paramount Freight Handling Co., Inc., a corporation, Poolcar Associates, Inc., a corporation, Metropolitan Pool Car Associates, Inc., a corporation, for approval of certain relationships pursuant to sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 16, 1953, at 11:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., December 30, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-52; Filed, Jan. 2, 1953; 8:59 a. m.]

[Docket No. 5857]

S & M CONSOLIDATORS, INC., ET AL.

NOTICE OF HEARING

In the matter of the application of S & M Consolidators, Inc. and E. J. Storer, individually and d/b/a S & M Trucking Service, for approval of certain interlocking relationships pursuant to the provisions of sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 16, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., December 30, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W BROWN,
Chief Examiner.

[F. R. Doc. 53-51; Filed, Jan. 2, 1953; 8:59 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

SECRETARY AND PATENT OFFICE, OFFICERS AND EMPLOYEES

VESTING AND DELEGATION OF FUNCTIONS UNDER TITLE 35, SECTION 35, UNITED STATES CODE

Pursuant to the authority conferred on me by the second paragraph of section 3 of Title 35, United States Code, as enacted by Public Law 593, approved July 19, 1952, Ch. 950, 66 Stat. 792, I hereby vest in myself the functions of the Patent Office and its officers and employees specified in Title 35.

Pursuant to the same authority, I hereby authorize the Patent Office and its officers and employees to perform the functions of the Patent Office and the

several officers and employees thereof as specified in said Title 35.

This notice is effective January 1, 1953.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 53-39; Filed, Jan. 2, 1953; 8:58 a. m.]

CANAL ZONE GOVERNMENT

Office of the Governor

[Executive Regulation 31]

EXECUTIVE SECRETARY OF PANAMA CANAL CO. ET AL.

DESIGNATION OF CONSULAR OFFICER FOR CANAL ZONE

DECEMBER 23, 1952.

Pursuant to the authority vested in the Governor by section 101 (a) (9) of the Immigration and Nationality Act (66 Stat. 166) I hereby designate the Executive Secretary of the Panama Canal Company as "consular officer" for the purpose, in the cases of aliens in the Canal Zone, of issuing immigrant or non-immigrant visas under the said act, and I hereby further designate the shipping commissioner and deputy shipping commissioners of the Canal Zone Government as "consular officers" for the purpose of issuing crew-list visas in the Canal Zone.

This regulation shall become effective December 24, 1952.

[SEAL] J. S. SEYBOLD,
Governor of the Canal Zone.

[F. R. Doc. 53-2; Filed, Jan. 2, 1953; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 89, Amdt. 1]

KINSTON, NORTH CAROLINA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated December 23, 1952 (17 F R. 11728) that the Kinston, North Carolina, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 89 (17 F. R. 1376) is hereby amended to apply to the area described as:

Kinston, North Carolina (this area consists of all Lenoir County, and the Town of Grifton in Pitt County, North Carolina).

ROSS S. SHEARER,
Acting Administrator

DECEMBER 31, 1952.

[F. R. Doc. 53-87; Filed, Jan. 2, 1953; 10:01 a. m.]

[Determination No. 121, Amdt. 1]

RANTOUL, ILLINOIS, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated December 23, 1952 (17 F. R. 11728) that the Rantoul, Illinois, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 121 (17 F R. 8279) is hereby amended to apply to the area described as:

Rantoul, Illinois (this area consists of all of Champaign County, and the Township of Patton in Ford County, Illinois).

MICHAEL V DISALLE,
Administrator

DECEMBER 30. 1952.

[F. R. Doc. 53-88; Filed, Jan. 2, 1953; 10:01 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

Secretary

DELEGATION OF AUTHORITY TO MAKE EDITORIAL REVISIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of December 1952;

The Commissioner having under consideration means of effecting minor, non-substantive, editorial changes in its rules and regulations; and

It appearing, that editorial, non-substantive corrections in the official text of the Commission's rules and regulations presently requires action by the Commission itself; and

It further appearing, that the authority officially to revise the rules to make editorial corrections of a non-substantive nature should be delegated to the Secretary in the interest of administrative expedition;

It is ordered, That pursuant to authority conferred by section 5 (d) (1) of the Communications Act of 1934, as amended, effective immediately, authority is delegated to the Secretary, upon obtaining the approval of the chief of the bureau or head of the staff office primarily responsible for the particular part or section of the rules involved, to make editorial revisions of a non-substantive nature in the commission's rules and regulations; and

It is further ordered, That the order defining the functions and establishing the organizational structure of the Office of the Secretary, adopted February 14, 1952, effective March 2, 1952, be amended by adding a new subparagraph 6 to paragraph F of the said order as follows:

(6) Upon obtaining the approval of the chief of the bureau or head of the staff office primarily responsible for the particular part or section of the rules involved, to make non-substantive, editorial revisions of the Commission's rules and regulations.

Released: December 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-29; Filed, Jan. 2, 1953; 8:55 a. m.]

[Docket Nos. 8116, 9213]

BALBOA RADIO CORP. ET AL.

ORDER POSTPONING ORAL ARGUMENT

In re applications of Balboa Radio Corporation (KLIK), Escondido, California, Docket No. 8116, File No. BP-5622; Elmer Glaser, Ray A. Wilcox, David Rorick, Jr., Hyman Glaser and Max Glaser, d/b as Oceanside Broadcasting Company, Oceanside, California, Docket No. 9213, File No. BP-5772; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of December 1952;

The Commission having under consideration a telegraphic request filed by counsel for Balboa Radio Corporation (KLIK) on December 17, 1952, requesting that the oral argument herein, now scheduled for December 22, 1952, be postponed for a period of thirty days or to some date thereafter at the Commission's convenience; and

It appearing, that the other participants in the proceeding have informally consented to the requested postponement;

It is ordered, That the above-described telegraphic request is granted; that the oral argument herein now scheduled for December 22, 1952, is postponed to Monday, February 16, 1953; and that the argument herein is calendared as Argument No. 4 in the Commission's notice of oral argument for that date.

Released: December 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-31; Filed, Jan. 2, 1953; 8:55 a. m.]

[Docket Nos. 9138, 10245, 10319, 10324]

WESTINGHOUSE RADIO STATIONS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Westinghouse Radio Stations, Inc., Portland, Oregon, Docket No. 9138, File No. BPCT-494, Portland Television, Inc., Portland, Oregon, Docket No. 10245, File No. BPCT-956; North Pacific Television, Inc., Portland, Oregon, Docket No. 10319, File No. BPCT-1138; Cascade Television Company, Portland, Oregon, Docket No. 10324, File No. BPCT-1235; for construction permits for new television stations (Channel 8)

The Commission having under consideration a petition filed by Portland

Television, Inc., December 10, 1952, requesting continuance to January 26 or February 2, 1953, of the hearing in the above-entitled proceeding presently scheduled for January 6, 1953; and

It appearing, that based upon the estimates by the four applicants as to the amount of time their presentations will consume, the hearing will last four weeks or longer; that hotel reservations for petitioner's personnel are unavailable from about January 12 to January 26 due to the great demand for reservations during that period in connection with the Presidential Inauguration on January 20, 1953; and that to start the hearing on January 6 and to recess same for the period for which reservations are unavailable would involve a substantial hardship since many individuals involved in the hearing would have to make two trips from the West Coast to Washington; and

It further appearing, that the requested continuance was discussed at a conference of the parties held on December 8, 1952, and it then appeared that the problem of hotel reservations for the week of January 20, 1953, was a common one; and

It further appearing, that no opposition has been filed to the petition for continuance;

It is ordered, This 17th day of December 1952, that the petition for continuance be and it is hereby granted; and the hearing on the above-entitled matter is hereby continued to January 26, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-32; Filed, Jan. 2, 1953; 8:55 a. m.]

[Docket Nos. 9227, 9228, 9515]

MATHESON RADIO CO., INC. (WHDH) ET AL.

ORDER POSTPONING ORAL ARGUMENT

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227; and National Broadcasting Company, Inc. (KOA) Denver, Colorado, Docket No. 9228; and In re application of Champlain Valley Broadcasting Corporation (WXKW), Albany, New York. Docket No. 9515, File No. BMP-4580; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of December 1952;

The Commission having under consideration a petition filed December 15, 1952, by Metropolitan Television Company, now the licensee of Station KOA in Denver, Colorado, requesting that the oral argument herein, now scheduled for December 22, 1952, be postponed for a period of six weeks; and

It appearing, that the other participants in the proceeding have informally consented to the requested postponement; and

It further appearing, that this proceeding had previously been scheduled for oral argument to be held on June 23, 1952, and at that time was postponed at the request of Champlain Valley Broadcasting Corporation (WXKW), with the consent of the other parties, to a date to be subsequently set; and that therefore a grant of the instant request constitutes the second postponement of oral argument in this proceeding;

It is ordered, That the above-described petition is granted; that the oral argument herein now scheduled for December 22, 1952, is postponed to Monday, February 16, 1953; and that the argument herein is calendared as Argument No. 3 in the Commission's notice of oral argument for that date.

Released: December 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-30; Filed, Jan. 2, 1953; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6466]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 29, 1952.

Notice is hereby given that on December 23, 1952, the Federal Power Commission issued its order entered December 22, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-20; Filed, Jan. 2, 1953; 8:51 a. m.]

[Docket No. G-1030]

PHILADELPHIA ELECTRIC CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 29, 1952.

Notice is hereby given that on December 23, 1952, the Federal Power Commission issued its order entered December 22, 1952, modifying order (13 F. R. 3041) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-21; Filed, Jan. 2, 1953; 8:51 a. m.]

[Docket No. G-1247]

MANUFACTURERS LIGHT & HEAT CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 29, 1952.

Notice is hereby given that on December 23, 1952, the Federal Power Commission issued its order entered December 22, 1952, modifying order (14 F. R. 7743) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-22; Filed, Jan. 2, 1953; 8:52 a. m.]

[Docket No. G-1640]

PUBLIC SERVICE CORPORATION OF TEXAS

NOTICE OF OPINION NO. 242 AND ORDER

DECEMBER 29, 1952.

Notice is hereby given that on December 24, 1952, the Federal Power Commission issued its opinion and order entered December 22, 1952, in the above-entitled matter, directing Northern Natural Gas Company to establish physical connection of its transportation facilities with the facilities of Public Service Corporation of Texas.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-23; Filed, Jan. 2, 1953; 8:52 a. m.]

[Docket Nos. G-2011, G-2031]

OHIO FUEL GAS CO.

NOTICE OF OPINION NO. 243 AND ORDER

DECEMBER 29, 1952.

Notice is hereby given that on December 24, 1952, the Federal Power Commission issued its opinion and order entered December 22, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-24; Filed, Jan. 2, 1953; 8:52 a. m.]

[Docket No. G-2032]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

DECEMBER 29, 1952.

Notice is hereby given that on December 24, 1952, the Federal Power Commission issued its order entered December 22, 1952, in the above-entitled matter, permitting withdrawal of application to become effective as of December 22, 1952.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-16; Filed, Jan. 2, 1953; 8:50 a. m.]

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA

DECEMBER 29, 1952.

Notice is hereby given that on December 24, 1952, the Federal Power Commis-

sion issued its order entered December 22, 1952, authorizing transmission of electric energy to Canada in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-17; Filed, Jan. 2, 1953; 8:50 a. m.]

[Docket No. IT-6077]

TEXAS ELECTRIC SERVICE CO. ET AL.

NOTICE OF ORDER APPROVING EXTENSION OF TIME

DECEMBER 29, 1952.

In the matter of Texas Electric Service Company, Texas Power & Light Company, Dallas Power & Light Company, Community Public Service Company, Southwestern Electric Service Company, Docket No. IT-6077.

Notice is hereby given that on December 23, 1952, the Federal Power Commission issued its order entered December 22, 1952, approving extension of time to December 31, 1953 for maintenance and use of interconnections for emergency use only in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-18; Filed, Jan. 2, 1953; 8:50 a. m.]

[Project No. 1128]

H. B. SMITH

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

DECEMBER 29, 1952.

Notice is hereby given that on October 29, 1952, the Federal Power Commission issued its order entered October 28, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-19; Filed, Jan. 2, 1953; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

FIELD ORGANIZATION

DESCRIPTIONS OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III *Field organization and final delegations of authority* is amended as follows:

Subparagraph 17 is added to paragraph b as follows:

17. To execute contracts of sale, removal or demolition, deeds, and transfer documents for any Federally owned real property which becomes excess to the needs of the PHA, except transfers of jurisdiction without reimbursement to other Federal Agencies.

Date approved: December 23, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner

[F. R. Doc. 53-1; Filed, Jan. 2, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31104; No. MC-C-1431 and First Supplemental Order]

CANNED GOODS IN OFFICIAL TERRITORY

REASSIGNING TIME FOR HEARINGS AND PRESCRIBING AMENDED SPECIAL RULES DIRECTING INTERCHANGE OF PREPARED MATERIAL

In the matters of (1) reassigning the time for hearings, and (2) prescribing amended special rules directing interchange of prepared material prior to hearing.

It appearing, that certain respondents and interveners have filed petitions requesting that the hearings now scheduled in the above-entitled proceedings be postponed, to which no objections have been raised, and good cause appearing therefor:

It is ordered, That the hearings now scheduled at Washington, D. C., on January 26, 1953, in the above-entitled proceedings, be, and they are hereby, cancelled, and that the proceedings be, and they are hereby, reassigned for hearing at the offices of the Interstate Commerce Commission, Washington, D. C., at 9:30 o'clock a. m., United States Standard Time, on March 23, 1953, before Examiner Oren G. Barber;

It is further ordered, That the special rules entered herein by order of November 14, 1952 (17 F R. 10713) be, and they are hereby, superseded by the following special rules which shall be applicable in lieu thereof:

1. *Prepared statement interchange before hearing.* The parties shall prepare in writing all evidence in chief of their witnesses and serve upon all the other parties, shown on the list later to be issued pursuant to paragraph 3 hereof, copies thereof together with any exhibits they intend to offer in evidence, such testimony and exhibits to be served by all parties on or before February 17, 1953. The filing and service of all testimony and exhibits in rebuttal of such direct evidence shall be made on or before March 6, 1953. A copy of all testimony and exhibits shall also be mailed to the examiner. No other copies thereof need be filed with the Commission prior to hearing.

2. *Participation limited.* Any person not a respondent who desires to submit evidence herein shall, not later than seven days prior to the due date herein provided for submission of evidence (February 17 or March 6, as the case may be), file a petition for leave to intervene; and the subsequent reception of evidence, except as good cause therefor shall otherwise be shown at the hearing, will be limited to respondents and to those who by order shall have been permitted to intervene as herein provided. Only five copies of said petition need be filed with the Commission, as service thereof upon other parties of record is not contemplated.

3. *Notification of desire to be served with testimony and exhibits.* Any respondent or other party desiring to be served with exhibits and testimony as hereinbefore provided must notify the Acting Secretary of the Interstate Commerce Commission on or before January 23, 1953, of such desire, indicating the number if more than one copy is desired. Thereafter, a list of parties upon whom such service should be made will be compiled, and a copy thereof served upon all parties.

4. *General specifications.* Prepared statements shall conform to Rule 15 of the general rules of practice in respect to style, mimeographing or printing, etc. Evidence offered should be prepared carefully with conciseness and clarity and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony upon any point. The statements should be factual in character, and argument not be incorporated in the testimony. If not so limited the prepared statement may be excluded in whole or in part. Also the Commission on its own motion or on objection may exclude a statement or any portion thereof which is (a) not material or relevant to the questions presented in the proceeding, or (b) obviously incompetent.

5. *Verification, relief from cross examination and personal appearance.* There is no requirement that a prepared statement shall have an affidavit attached, but this does not preclude attaching an affidavit to the prepared statement. If that is done the following, or its equivalent, should appear on the top of the first sheet of the statement:

This statement is verified. Unless written request for cross examination is received by affiant or his attorney not later than March 16, 1953, affiant desires that the statement be considered for incorporation in the record without his personal appearance as a witness.

A witness making such a request and thereafter receiving a demand for cross examination must personally report at the hearing, or his verified statement may not be received. If there is no demand for cross examination as above provided (indiscriminate demands for cross examination should be avoided), the privilege of cross examination will be deemed to be waived if the statement is verified and the witness making the statement has requested to be relieved from personal appearance as above provided. It will be presumed that a witness preparing an unsworn statement intends personally to appear at the hearing for cross examination and to be sworn at that time. An unsworn statement will be admitted only if the affiant is personally present at the hearing.

6. *Oral evidence limited.* Implementing oral evidence to correct errors or to supply inadvertent omissions in prepared

statements is permissible, but evidence in chief not previously interchanged in writing as herein provided may not be admitted except as good cause therefor shall be shown at the hearing.

7. *How admitted to the record.* To become a part of the record it is necessary for the witness, or some one qualified to represent him, formally to offer the prepared statement in evidence at the hearing; and unless good reason shall otherwise appear, the statement will be admitted as an exhibit.

8. *Materiality reserved.* A prepared statement received in evidence with or without objection as to its admissibility is subject to subsequent challenge as to the weight to be accorded to the facts in such statement.

9. *Witness examination.* The examination of a witness should be conducted in a manner so as to make it rapid, distinct, and as little annoying to the witness as is consistent with eliciting the facts, and to this end counsel on the same side of an issue should agree upon one person to examine a witness.

10. *Due dates defined.* All dates specified in these rules are the latest dates on which the parties in the performance of an act contemplated by these rules may make deposit in the mails, except (a) as to any date respecting which there is an express provision otherwise, and (b) any date herein provided for the filing of a petition with, or dispatch of notification to, the Commission shall be governed by the provisions of Rule 4 (b) of the general rules of practice, namely, receipt in the Commission and not the date of deposit in the mails shall be determinative.

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 15th day of December A. D. 1952.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-48; Filed, Jan. 2, 1953; 8:59 a. m.]

[4th Sec. Application 27668]

SALT CAKE FROM EASTERN PORTS TO EAST PORT AND EASTPORT JUNCTION, FLA.

APPLICATION FOR RELIEF

DECEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W Boin, Agent, for carriers parties to his tariff I. C. C. No. A-968.

Commodities involved: Salt cake (crude sulphate of soda) carloads.

From: Baltimore, Md., Philadelphia, Chester, Marcus Hook, and Cornwells Heights, Pa., North Claymont, Del., and certain points in New Jersey.

To: East Port and Eastport Jct., Fla.

Grounds for relief: Rail and water competition and port equalization at destination.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-968, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5; Filed, Jan. 2, 1953; 8:46 a. m.]

[4th Sec. Application 27669]

COMMODITIES BETWEEN POINTS IN TEXAS, INTERSTATE

APPLICATION FOR RELIEF

DECEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807.

Commodities involved: Pipeline coating and starch or dextrine, carloads.

Between: Points in Texas, over interstate routes.

Grounds for relief: Rail competition, circuity, operation through higher-rated territory, and to meet intrastate routes.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6; Filed, Jan. 2, 1953; 8:46 a. m.]

[4th Sec. Application 27670]

LUMBER AND RELATED ARTICLES BETWEEN SOUTHWESTERN AND SOUTHERN POINTS

APPLICATION FOR RELIEF

DECEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Lumber and related articles, carloads.

Territory: Rio Grande crossings to points in the South, including the Florida peninsula, and between points in the Florida peninsula and points in the Southwest.

Grounds for relief: Rail competition, circuity, grouping, and to maintain differential relations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3948, Supp. 35; F. C. Kratzmeir, Agent, I. C. C. No. 3949, Supp. 25; C. A. Spaninger, Agent, I. C. C. No. 1269, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7; Filed, Jan. 2, 1953; 8:46 a. m.]

[4th Sec. Application 27671]

NAPHTHA FROM CRUPP, MISS., TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

DECEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company and other carriers.

Commodities involved: Naphtha, in tank-car loads.

From: Crupp, Miss.

To: Louisville, Ky.

Grounds for relief: Rail and market competition, circuity, and to maintain origin relationship with New Orleans, La.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 73.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8; Filed, Jan. 2, 1953; 8:47 a. m.]

[4th Sec. Application 27672]

FOREIGN WOODS FROM SOUTHERN TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

DECEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Foreign woods, including lumber, logs, and flitches, carloads.

From: Points in southern territory.

To: Points in Buffalo-Pittsburgh, trunk-line and New England territories.

Grounds for relief: Rail competition, circuity, grouping, and to maintain rate relations with native lumber.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1214, Supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-9; Filed, Jan. 2, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2978]

OHIO POWER CO.

NOTICE OF FILING APPLICATION TO SELL FIRST MORTGAGE BONDS AND PREFERRED STOCK

DECEMBER 30, 1952.

Notice is hereby given that an application has been filed with this Commission by the Ohio Power Company ("Ohio Power") a subsidiary of American Gas and Electric Company a registered holding company. The application designates section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Ohio Power proposes to issue and sell $22,000,000 aggregate principal amount of its First Mortgage Bonds, __ Percent Series, due 1982. Such bonds will be sold under competitive bidding pursuant to Rule U-50 of the Commission's rules and regulations under the act. The coupon rate (to be expressed in a multiple of ⅛ of 1 percent) and the price to be paid to Ohio Power, which shall be not less than 100 percent and not more than 102¾ percent of principal amount, will be determined by competitive bidding.

Ohio Power also proposes to issue and sell 100,000 shares of __ Percent Cumulative Preferred Stock, par value $100 per share. Such Preferred Stock will be sold under competitive bidding pursuant to Rule U-50 of the Commission's rules and regulations under the act. The dividend rate (to be expressed in a multiple of 0.04 of 1 percent) and the price to be paid to Ohio Power, which shall be not less than $100 per share nor more than $102.75 per share, will be determined by competitive bidding.

The application states that Ohio Power proposes publicly to invite bids for the Bonds and Preferred Stock on or about January 13, 1953, and requests that the bidding period provided by Rule U-50 (b) be shortened from ten days to seven days. The application states that Ohio Power contemplates that the successful bidders for the Bonds and Preferred Stock will make public offerings thereof. The company proposes that, upon receipt of bids, it may proceed with the sale of the Bonds or the Preferred Stock or both.

The application states that of the proceeds of the sales of the Bonds and Preferred Stock, $12,500,000 will be deposited in cash with the Corporate Trustee under the Mortgage securing Ohio Power's First Mortgage Bonds, to be withdrawn, used or applied by Ohio Power in accordance with the terms of the Mortgage, and not to exceed $14,000,000 will be used for the prepayment without premium of Notes Payable by Ohio Power to various banks. The remaining proceeds will be added to Ohio Power's treasury funds, and these funds, together with such amounts as may be withdrawn from deposit under the Mortgage, will be applied, together with other funds of Ohio Power, to extensions, additions and improvements to its properties.

The application states that on July 18, 1952, Ohio Power issued 300,000 additional shares of common stock to American Gas and Electric Company, its parent company, for a cash consideration of $14,500,000, and that those shares were sold in contemplation of the presently proposed sale of Bonds and Preferred Stock.

The application states that the issue and sale of the Bonds and the Preferred Stock are solely for the purpose of financing the business of Ohio Power, and will be expressly authorized by the Public Utilities Commission of Ohio, the State in which Ohio Power is organized and doing business. The application represents that the prepayment of the Notes Payable to banks is exempt from any requirements under sections 9 (a) and 12 (c) of the act by virtue of subdivision (b) (2) of Rule U-42, as being an acquisition, retirement or redemption of an evidence of indebtedness for the consideration specifically designated therein.

Notice is further given that any interested person may, not later than January 12, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 12, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-10; Filed, Jan. 2, 1953; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 19103]

J. GEORGE HAUBER

In re: Estate of J. George Hauber, deceased. File No. D-28-12110.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp., 3 CFR, 1945 Supp.) Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Gretel Demler, Theres (Therese) Wettemann, Anna Keppner, Leonhard Rathgeb, Oskar Rathgeb, Maria Rathgeb, Thekla Rathgeb, Maria Pfeiler and Maria Hauber, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of J. George Hauber, deceased, presently being administered by Cyrus Q. Stewart, as administrator d. b. n. c. t. a., acting under the judicial supervision of the County Judge's Court in and for Lee County, Florida, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 53-40; Filed, Jan. 2, 1953; 8:58 a. m.]

[Vesting Order 19104]

ALOIS HERTEL

In re: Estate of Alois Hertel, deceased. File No. 017-27715.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp., 3 CFR, 1945 Supp.), Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Emma Paulus Rung, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Alois Hertel, deceased, presently being administered by Anna Mary Hetzel Craig, executrix of Estate of William Hetzel, deceased, as executor of will of Alois Hertel, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, Emma Paulus Rung, a national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-41; Filed, Jan. 2, 1953; 8:58 a. m.]

[Vesting Order 19105]

ALBERT H. SIEDENBURG

In re: Estate of Albert H. Siedenburg, deceased. File No. D-28-13137; E & T No. 17242.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Albert Hinrich Poppe, Anna Adelheid (called Gretchen) Poppe Menke, and Diedrich Poppe, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Albert H. Siedenburg, deceased, presently being administered by August G. Menge and Anna A. Menge, as Executors, acting under the judicial supervision of the Union County Surrogate's Court, Elizabeth, New Jersey, is property which is, and prior to January 1, 1947, was payable or deliverable to, claimed by the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-42; Filed, Jan. 2, 1953; 8:58 a. m.]

[Vesting Order 19106]

OLGA WINKELMANN

In re: Stock and bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Olga Winkelmann, deceased. F-28-31993.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law

181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Olga Winkelmann, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. Six (6) shares of 7 percent cumulative preferred capital stock of Empire Gas and Fuel Company, 1 Exchange Place, Jersey City, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by a certificate registered in the name of Olga Winkelmann, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of the Irving Savings Bank, 115 Chambers Street, New York 7, New York, arising out of an account numbered 184,-862, entitled Olga Winkelmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Olga Winkelmann, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 53-43; Filed, Jan. 2, 1953; 8:58 a. m.]

[Vesting Order 18942, Amdt.]

MRS. THEODORE THEDIECK ET AL.

In re: Stock owned by Mrs. Theodore Thedieck, Mrs. Josephone Wassiack and Mrs. Theodore Winter. F-28-31906.

Vesting Order 18942, dated July 2, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Theodore Thedieck, Mrs. Josephone Wassiack, also known as Josephine Wassiack, and Mrs. Theodore Winter, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. Fifteen (15) shares of Class "A" capital stock of The Sidney Machine Tool Company, Sidney, Ohio, evidenced by certificate numbered 97, registered in the name of Josephine Wassiack, together with all declared and unpaid dividends thereon,

b. Fifteen (15) shares of Class "A" capital stock of The Sidney Machine Tool Company, Sidney, Ohio, evidenced by a preferred certificate numbered 112, registered in the name of Mrs. Theodore Thedieck, together with all declared and unpaid dividends thereon, and any and all rights to exchange said preferred certificate, and

c. Fifteen (15) shares of Class "A" capital stock of The Sidney Machine Tool Company Sidney, Ohio, evidenced by a preferred certificate numbered 115, registered in the name of Mrs. Theodore Winter, together with any and all declared and unpaid dividends thereon, and any and all rights to exchange said preferred certificate,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Theodore Thedieck, Mrs. Josephone Wassiack, also known as Josephine Wassiack, and Mrs. Theodore Winter, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-46; Filed, Jan. 2, 1953; 8:59 a. m.]

[Vesting Order 19075, Amdt.]

CLARA MUSMAN

In re: Securities owned by and debts owing to Clara Musman. F-28-8604.

Vesting Order 19075, dated November 26, 1952 is hereby amended as follows and not otherwise:

By deleting from subparagraph 3c of the aforesaid Vesting Order 19075 the name "Republic National Gas Company," and substituting therefor the name, "Republic Natural Gas Company,"

All other provisions of said Vesting Order 19075, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 53-47; Filed, Jan. 2, 1953; 8:59 a. m.]

[Vesting Order 500A-299]

COPYRIGHTS OF A CERTAIN GERMAN NATIONAL

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) named in Column 4 of Exhibit A, attached hereto and made a part hereof, and whose last known addresses are listed in said Exhibit A as being in a foreign country (Germany), on or since December 11, 1941, and prior to January 1, 1947, were residents of, or organized

under the laws of, and had their principal places of business in, such foreign country and are, and prior to January 1, 1947, were, nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons named in Column 4 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) whether or not named elsewhere in this order including said Exhibit A, who, on or since December 11, 1941, and prior to January 1, 1947, were citizens and residents of, or which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of or had their principal places of business in, Germany, and are, and prior to January 1, 1947, were nationals of such foreign country, in, to and under the following:

a. The literary property in the works described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the works described in said Exhibit A and/or the copyrights in such works,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is and prior to January 1, 1947, was property of, and property payable or held with respect to copyrights or rights related thereto in which interests are and prior to January 1, 1947, were held by, and such property itself constitutes interests which are and prior to January 1, 1947, were held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Title of works	Column 3 Authors	Column 4 Persons named whose interests are being vested
E Foreign 43715	Regentropfen	Josef Hochleitner and Emil Palm.	Albert Bennefeld, Berlin, Germany.
E Foreign 43716	do	do	Do.

[F. R. Doc. 53-44; Filed, Jan. 2, 1953; 8:53 a. m.]

[Vesting Order 16277, Amdt.]

GENKICHI TAKENCHI

In re: Rights of domiciliary personal representatives et al., of Genkichi Takenchi, deceased, under insurance contract. File No. D-39-17363-H-1.

Vesting Order No. 16277, executed December 7, 1950, is hereby amended to read as follows and not otherwise:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Atsu Takeuchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7,988,624, issued by the New York Life Insurance Company, New York, New York, to Genkichi Takenchi, together with the right to demand, enforce, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Atsu Takeuchi, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-45; Filed, Jan. 2, 1953; 8:53 a. m.]